

EMERGENCY ORDINANCE NO. 20-11

AN EMERGENCY ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; PROVIDING FOR INCORPORATION OF RECITALS AS LEGISLATIVE FINDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR MANDATORY SIGNAGE REGARDING THE REQUIREMENTS FOR FACE COVERINGS; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR APPLICABILITY AND CONFLICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

WHEREAS, since March of 2020, the Board has proactively directed the implementation of numerous efforts, including a communications campaign, to encourage persons in the County to practice social distancing, wash and sanitize their hands, and wear face coverings as community mitigation strategies to increase containment of COVID-19; and

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

WHEREAS, the reopening of the State will lead to more contact between individuals and the potential of increased community spread of the disease; and

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

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

WHEREAS, an informed public is an empowered public; and

WHEREAS, adopting face covering notice requirements via ordinance, as opposed to local emergency powers, would permit enforcement through civil citations and fines instead of criminal prosecution as a second-degree misdemeanor; and

WHEREAS, the Board has determined that an emergency exists, and the immediate enactment of this Emergency Ordinance is necessary as authorized in section 125.66(3), Florida Statutes; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSINERS OF OKALOOSA COUNTY, FLORIDA:

Section 1. Recitals. The above recitals are true and incorporated into this Emergency Ordinance as if set forth in their entirety and constitute the legislative findings of the Board.

Section 2. Definitions.

- (i) “Face Covering” is a material that covers the nose and mouth and that fits snugly against the sides of the face so there are no gaps. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. Coverings with materials made of multiple layers is highly encouraged. A cloth face covering may be factory-made or sewn by hand, or the cloth face covering can be improvised from household items. The CDC has posted additional information regarding how to make, wear, and wash a cloth face covering at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>.
- (ii) “Business establishment” means a location with a roof overhead under which any business is conducted, goods are made or stored or processed or where services are rendered. The term “business establishment” includes transportation network companies, such as Ubers and Lyft, vehicles operated for mass transit, taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire. The term “business establishment” includes locations where non-profit, governmental, or quasi-governmental entities facilitate public interactions and conduct business. The term “business establishment” also includes places of worship.

Section 3. Mandatory Requirements.

- (i) Every business establishment is hereby directed to place legible signage at every entrance to said establishment regularly used for ingress and egress by customers or employees regarding the usage of face coverings within the establishment. The signage must, at a minimum, be in English and be legible to the average individual at a distance of at least 6-feet. The signage shall specify who, if anyone, is required to wear a face covering while within the establishment and under what conditions, such as only when social distancing is not possible.

(ii) Said signage shall separately and explicitly indicate whether or not face coverings are required of on-duty employees and customers or guests.

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

Section 4. Penalties and Enforcement.

(i) A violation of this Emergency Ordinance is a noncriminal infraction. A violation of this Emergency Ordinance does not authorize the search or arrest of an individual. Prior to the issuance of a citation, the entity or individual responsible for the business establishment will be asked to comply with the Emergency Ordinance. Failure to comply with the requirements of this Emergency Ordinance presents a serious threat to the public health, safety, and welfare, and a citation may be issued for such a violation after the inquiry referenced above.

(ii) The penalty for a violation of this Emergency Ordinance is:

- a. For a first offense, a fine of \$50.00
- b. For a second offense, a fine of \$100.00
- c. For a third and each subsequent offense, a fine of \$250.00
- d. All other remedies available at law or equity, including injunction, remain available to the County, even after issuance of a citation.

Section 5. Applicability and Conflict. This Emergency Ordinance shall apply in the incorporated and unincorporated areas of Okaloosa County, unless in conflict with a municipal ordinance.

Section 6. Severability. If any section, subsection, clause, or other part of this Emergency Ordinance are deemed unlawful in any court of law competent to decide such matters, said section, subsection, clause, or other part shall be severed and held as a separate provision and shall have no effect on the remainder.

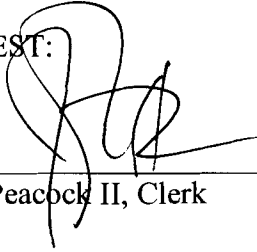
Section 7. Effective Date. This Emergency Ordinance shall be effective as provided by law.

Section 8. Automatic Termination. This Emergency Ordinance shall automatically expire on October 01, 2020 unless extended by vote of the Board of County Commissioners.

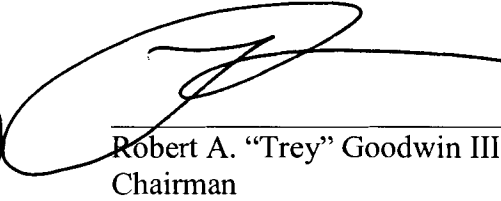
PASSED AND DULY ADOPTED by four-fifths vote of the Board of County Commissioners during a duly declared local state of emergency due to the COVID-19 pandemic, on this 21st day of July, 2020.

BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA

ATTEST:



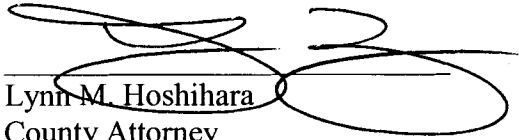
J.D. Peacock II, Clerk



Robert A. "Trey" Goodwin III
Chairman



APPROVED AS TO FORM:



Lynn M. Hoshihara
County Attorney



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

July 22, 2020

Honorable J. D. Peacock II
Clerk of the Circuit Court
Okaloosa County
101 East James Lee Boulevard
Crestview, Florida 32563-1359

Attention: Mary L. Carson

Dear Mr. Peacock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Okaloosa County Emergency Ordinance No. 20-11, which was filed in this office on July 21, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb