

## **ORDER REQUIRING FACE COVERINGS – COVID-19**

**WHEREAS**, the Governor of the State of Florida issued Executive Order No. 20-51 on March 1, 2020, declaring a Public Health Emergency in the State of Florida and Executive Order No. 20-52 on March 9, 2020, as extended by Executive Order No. 20-114 on May 8, 2020, declaring a State of Emergency for the entire State of Florida; in recognition of the threat to the health, safety and welfare of the County's residents, the Board of County Commissioners of Pasco County at an emergency session on March 12, 2020 did adopt Resolution No. 20-102, which declared a local state of emergency within the County, which has been extended and is currently in effect, based on the current and potential threat to health of residents and visitors in Pasco County; and

**WHEREAS**, Executive Order Number 20-52, Section 4 (D) authorizes a political subdivision to waive the procedures and formalities otherwise required by law...; and

**WHEREAS**, on June 5<sup>th</sup>, 2020, Governor DeSantis issued Executive Order 20-139 entitled "Phase 2: Safe. Smart. Step-by-Step. Plan for Florida's Recovery" ("EO 20-139"); and

**WHEREAS**, EO 20-139 encourages all Florida residents to avoid congregating in groups larger than 50 persons, and strongly encourages senior citizens and individuals with a significant underlying medical condition to avoid crowds and take measures to limit the risk of exposure to COVID-19; and

**WHEREAS**, Section 252.38, Florida Statutes, authorizes Pasco County to declare a state of local emergency which it has done, and further authorizes Pasco County to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community; and

**WHEREAS**, the County Administrator has been authorized by the Board to order or take any actions he deems necessary during the declared Local State of Emergency; and

**WHEREAS**, according to guidance released by CDC dated June 15, 2020, the risk of contracting COVID-19 is increased by a variety of factors, including (i) interacting with more people; (ii) engaging with new people (e.g.; those who don't live with you); and (iii) being close to people who may be infected. According to this guidance "[i]t's important that you and the people around you wear a cloth face covering when in public and particularly when it's difficult to stay 6 feet away from others consistently" ; and

**WHEREAS**, because business operations-particularly with respect to employees which have direct contact with patrons of the business-fall squarely within the factors for increased risk identified by that CDC guidance, it is necessary to protect the public interest to impose stricter mitigation measures for business operations in the County than those currently required under currently applicable State Orders. These stricter mitigation measures impose a requirement that the operator of a business ensure that employees and customers wear a face covering in areas of the business accessible to the public; and

**WHEREAS**, the CDC website has detailed guidance on mitigation and contingency planning for businesses entitled "Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)" (as may be finalized, amended, or superseded from time to time, the "CDC Planning Guidance"). Additionally, CDC recently released a "Resuming Business Toolkit" that summarizes practical steps needed to implement that CDC Planning Guidance; and

**WHEREAS**, guidance released by the CDC on June 15, 2020, states (i) that the virus that causes COVID-19 is mostly spread by respiratory droplets released when people cough, sneeze or talk and (ii) that a person can also get COVID-19 by touching a surface or object that has the virus on it and then touching their own nose, mouth, or possibly their eyes. This guidance goes on to state that "personal prevention practices (such as staying home when sick, social distancing, wearing a cloth face covering, and handwashing) and environmental prevention practices (such as cleaning and disinfection) are important ways to prevent the spread of COVID-19."; and

**WHEREAS**, because COVID-19 poses an unprecedented threat to the public health, safety, and welfare, there is a compelling governmental interest in reducing the spread of COVID-19 within the County, and the stricter mitigation measures imposed by this order are necessary to achieve that purpose and have been narrowly tailored to achieve that purpose; and

**WHEREAS**, on June 23, 2020, the Florida Department of Health in Pasco County reported that 997 residents and 11 non-residents have tested positive for COVID-19 and recorded 17 fatalities. This is a 350% increase in new cases in one week, with approximately 40% of the county's total cases being reported in the last week; and

**WHEREAS**, cases are increasing amongst younger people with the average age down to 37 years of age from 53 several weeks ago. Daily reported lab results have decreased by 100 tests since last week, however an increase of the percentage of positive tests has climbed to nearly 10%. Testing sites are experiencing extremely long lines and waits for testing services; and

**WHEREAS**, it appears most people are aware of social distancing, but it is not voluntarily being practiced on a community wide basis, thus other methods need to be implemented or we will not see an improvement in reducing cases and the spread of the virus; and

**WHEREAS**, because the stricter mitigation measures imposed by this order are necessary only until the threat of a widespread outbreak of COVID-19 within the County has passed, such mitigation measures will be temporary in nature and will not be continuous or continuously recurring.

**NOW, THEREFORE**, pursuant to Governor's Executive Order 20-51 and by Executive Order 20-52, Pasco County Board of County Commissioners' Resolution No. 20-102, Chapter 252, Florida Statutes, Governor's Executive Order 80-29, Pasco County's Comprehensive Emergency Management Plan, and Chapter 30, Article II, of the Pasco County Code of Ordinances, and under the direct authority of the Pasco County Board of County Commissioners, the undersigned on behalf of the Board and based on the information known or projected at this time, makes the following order in accordance with the Pasco County Comprehensive Emergency Management Plan. Pursuant to the authority recited above and the delegation received by Resolution 20-102, as extended, the undersigned does order the following actions to be taken:

1. "Business" as used herein shall mean any business entity (regardless of corporate structure or formation) that provides goods or services directly to the public.
2. "Government Operation" as used herein shall mean operations in any facility under the control of the Board of County Commissioners of Pasco County. This term shall not include the Judicial Centers which shall be governed by any Administrative Order issued by the Chief Judge or his designee or those facilities occupied by the Pasco County Sheriff's Office

3. "Business operator" as used herein shall mean any individual or entity that owns a business or that controls the operation of a business, regardless of the formal title or role held by that individual or entity.
4. "Face Covering" as used herein shall mean 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. 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>.
5. Medical and surgical face masks, such as "N95" masks or other similar medical or surgical masks, are in short supply and should be reserved for health care personnel and other first responders with the greatest need for such personal protective equipment.
6. 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, Fla. Stat.
7. All persons within any indoor location of a business or government operation that is open to the public in Pasco County shall be required to wear a face covering when not maintaining social distancing from other person(s), excluding family members or others residing in their home.
8. All businesses shall be required to ensure compliance with and enforce the provisions of this Order. Business operators and building owners, and those authorized on their behalf shall be required to ensure compliance with this Order and shall 1) deny admittance to any indoor business location under their control to any persons who fail to comply with the requirements of this Order and 2) require or compel the removal from any indoor business location under their control of any persons who fail to adhere to the requirements of this Order.
9. Every business is strongly encouraged to develop and implement a health and safety plan consistent with this Order requiring protective face coverings and adherence to CDC guidelines and to post the plan in a conspicuous location sufficient to provide notice to persons within the business of the requirements of the plan.
10. Nothing herein shall require the wearing of face coverings by the following persons:
  - a. Persons under the age of two years; and
  - b. Persons observing social distancing in accordance with CDC guidelines; and

- c. Persons for whom a face covering would cause impairment due to an existing health condition; and
  - d. Persons working in a business or profession who do not have interactions with other persons; and
  - e. Persons working in a business or profession who maintain social distancing from another person; and
  - f. Persons working in a business or profession where use of a face covering would prevent them from performing the duties of the business or profession; and
  - g. Persons exercising, while maintaining social distancing; and
  - h. Persons engaging in indoor sporting activities, so long as the facility has its own health and safety plan consistent with this Order; and
  - i. Persons eating or drinking; and
  - j. Public safety, fire and other life safety and health care personnel, as their personal protective equipment requirements will be governed by their respective agencies; and
  - k. The requirement shall not apply when a person who is hearing-impaired needs to see the mouth of someone wearing a face covering in order to communicate; and
  - l. The requirement shall not be applied in a manner that would conflict with the Americans with Disabilities Act (ADA).
11. All persons within any indoor location not subject to the requirements of this Order are strongly encouraged to follow appropriate social distancing and safety protocols issued by the CDC.
12. The provisions of this Order shall serve as minimum standards, and in no way modify any power possessed by municipalities within Pasco County to impose more stringent standards within their jurisdictions.
13. This Executive Order shall take effect immediately upon adoption and shall remain in effect for the duration of the COVID-19 state of emergency in Pasco County unless extended or rescinded.
14. It is the intent of this Order to seek voluntary compliance with the provisions contained herein and to educate and warn of the dangers of non-compliance. However, in the event voluntary compliance is not achieved then, as a last resort, a violation of this Order, is punishable as a civil citation by County Ordinance citation with a maximum fine of \$250.00 in the manner specified in section 1-6 of the Pasco County Code of Ordinances. Pasco County Code Enforcement is responsible for the enforcement of this Order.
15. This Order is effective immediately, except that the enforcement provisions

of this Order shall become effective at 5:00 p.m. on June 25, 2020.

Done this 23<sup>th</sup> day of June, 2020.



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DAN BILES  
COUNTY ADMINISTRATOR  
PASCO COUNTY, FLORIDA

1620 hrs  
TIME ORDERED