

CITY OF FERNANDINA BEACH, FLORIDA CITY COMMISSION

EMERGENCY ORDER – COVID19-MANDATORY MASKS

RESOLUTION 2020-143

AMENDING AND EXTENDING RESOLUTION 2020-126 TO NOVEMBER 6, 2020

WHEREAS, on March 1, 2020, in response to the World Health Organization’s declaration of COVID-19 as a Public Health Emergency of International Concern, Governor Ron DeSantis issued Executive Order Number 20-51, declaring a State of Florida Public Health Emergency associated with the threat to Florida residents associated with COVID-19 and invoking the State of Florida emergency response actions by the Florida Department of Health and the State Health Officer; and

WHEREAS, on March 9, 2020, in response to eight counties in Florida with positive COVID-19 cases, Governor Ron DeSantis issued Executive Order Number 20-52, directing the Director of the Division of Emergency Management, as the State Coordinating Officer, to execute State of Florida’s Comprehensive Emergency Management Plan and other response, recover, and mitigation plans necessary to cope with the emergency; and

WHEREAS, Governor DeSantis’ Executive Orders 20-51 and 20-52 are hereby incorporated and adopted into this Emergency Order to the extent City of Fernandina Beach is obligated to respond thereto; and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency to combat COVID-19; and

WHEREAS, on March 19, 2020, the City Manager and Mayor John A. Miller declared a local state of emergency via Resolution 2020-48 pursuant to the City of Fernandina Beach Emergency Management Plan; and

WHEREAS, the CDC advises that, while a significant portion of individuals with COVID-19 are asymptomatic, the virus can still spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms; and

WHEREAS, the CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain or are not being followed in order to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

WHEREAS, the CDC defines “social distancing” as limiting close contact (less than 6 feet of separation) with others outside your household in indoor and outdoor spaces; and

WHEREAS, the CDC does not recommend wearing cloth face covering for children under the age of 6, or anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance; and

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

WHEREAS, an increasing number of state and local governments throughout the United States and Florida are requiring facial coverings to be worn in public; and

WHEREAS, the State of Florida has not preempted local governments from regulating in the field of minimum health requirements with respect to COVID19; and

WHEREAS, it is necessary to invoke the City’s Home Rule Powers under the Florida Constitution and the City’s Emergency Management Plan in order to enable the City of Fernandina Beach to respond to its obligations under Governor DeSantis’ Executive Orders 20-51 and 20-52 and to appropriately respond to the needs of the City of Fernandina Beach and its citizens.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

- (1) Every person over the age of six (6) who is in a public indoor space must wear a face mask or covering.
- (2) Every operator, employee, customer or patron of a business establishment must wear a face mask or covering at all times while indoors at that business establishment unless wearing a face mask or covering significantly interferes with the provision or receipt of goods or services offered or received at that establishment (i.e. patrons at a restaurant, patrons at fitness centers and yoga studios, clients at a barber shop or hair salon, patients at a dentist’s office).
- (3) Public safety, fire, law enforcement, and other life safety personnel are exempted from this requirement, as their personal protective equipment requirements will be governed by their respective agencies.
- (4) Due to the continuing public health emergency caused by the COVID-19 virus, the City Commission hereby extends the local state of emergency declared via Resolution

2020-48 to August 9, 2020, pursuant to Section 252.38, Florida Statutes.

- (5) The City Commission authorizes the City Manager to extend the local state of emergency in 7-day increments as necessary for up to 30 days, and such authority shall expire on ~~October 6, 2020~~ **November 6, 2020**.

ADA ACCOMODATION. When a customer of a business establishment asserts that he or she has a disability that prevents the individual from wearing a face mask or covering, the owner, manager, or employee of the business establishment may exclude the individual, even if they have a disability, as they pose a direct threat to the health and safety of employees and other customers, even if asymptomatic, and must accommodate the disabled individual in a manner that does not fundamentally alter the operations of the business establishment nor jeopardize the health of that business's employees and other customers, such as providing curb service or delivery or other reasonable accommodation.

EFFECTIVE DATE. This Emergency Order Resolution 2020-94 shall be effective immediately upon executing and will expire on ~~October 6, 2020~~ **November 6, 2020** at 11:59PM unless extended by subsequent order.

NOT IN CONFLICT WITH STATE LAW. This Order is in addition to any Executive Orders issued by Governor DeSantis.

ENFORCEMENT. This Emergency Order will be enforced pursuant to Section 252.47, Florida Statutes by local law enforcement. Violation of this Emergency Order is punishable pursuant to Section 252.50, Florida Statutes as a criminal misdemeanor of the second degree.

ADOPTED this 6th day of October, 2020 with a quorum present and voting.

ATTEST:

CITY OF FERNANDINA BEACH



Caroline Best
City Clerk



John A. Miller
Commissioner – Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

END OF EMERGENCY ORDER