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EMERGENCY ORDINANCE NO. 20-

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

46 **WHEREAS**, adopting face covering notice requirements via ordinance, as opposed to
47 local emergency powers, would permit enforcement through civil citations and fines instead of
48 criminal prosecution as a second-degree misdemeanor; and
49

50
51 **WHEREAS**, the Board has determined that an emergency exists, and the immediate
52 enactment of this Emergency Ordinance is necessary as authorized in section 125.66(3), Florida
53 Statutes; and
54

55 **WHEREAS**, the Board finds implementation of this Emergency Ordinance is necessary
56 for the preservation of the health, safety and welfare of the community.
57

58 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
59 **COMMISSINERS OF OKALOOSA COUNTY, FLORIDA:**
60

61 Section 1. Recitals. The above recitals are true and incorporated into this Emergency Ordinance
62 as if set forth in their entirety and constitute the legislative findings of the Board.
63

64 Section 2. Definitions.
65

66 (i) “Face Covering” is a material that covers the nose and mouth and that fits snugly against
67 the sides of the face so there are no gaps. It can be secured to the head with ties or straps
68 or simply wrapped around the lower face. It can be made of a variety of materials, such
69 as cotton, silk, or linen. Coverings with materials made of multiple layers is highly
70 encouraged. A cloth face covering may be factory-made or sewn by hand, or the cloth
71 face covering can be improvised from household items. The CDC has posted additional
72 information regarding how to make, wear, and wash a cloth face covering at
73 [https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html)
74 [coverings.html](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html).
75

76 (ii) “Business establishment” means a location with a roof overhead under which any
77 business is conducted, goods are made or stored or processed or where services are
78 rendered. The term “business establishment” includes transportation network companies,
79 such as Ubers and Lyft, vehicles operated for mass transit, taxis, jitneys, limousines for
80 hire, rental cars, and other passenger vehicles for hire. The term “business
81 establishment” includes locations where non-profit, governmental, or quasi-governmental
82 entities facilitate public interactions and conduct business. The term “business
83 establishment” also includes places of worship.
84

85
86 Section 3. Mandatory Requirements.
87

88 (i) Every business establishment is hereby directed to place legible signage at every entrance
89 to said establishment regularly used for ingress and egress by customers or employees
90 regarding the usage of face coverings within the establishment. The signage must, at a

91 minimum, be in English and be legible to the average individual at a distance of at least
92 6-feet. The signage shall specify who, if anyone, is required to wear a face covering while
93 within the establishment and under what conditions, such as only when social distancing
94 is not possible.

95
96 (ii) Said signage shall separately and explicitly indicate whether or not face coverings are
97 required of on-duty employees and customers or guests.

98
99 (iii) Nothing herein shall require or allow a person to wear a face covering to conceal the
100 identity of the wearer in violation of Chapter 876, Florida Statutes.

101
102 Section 4. Penalties and Enforcement.

103
104 (i) A violation of this Emergency Ordinance is a noncriminal infraction. A violation of this
105 Emergency Ordinance does not authorize the search or arrest of an individual. Prior to
106 the issuance of a citation, the entity or individual responsible for the business
107 establishment will be asked to comply with the Emergency Ordinance. Failure to comply
108 with the requirements of this Emergency Ordinance presents a serious threat to the public
109 health, safety, and welfare, and a citation may be issued for such a violation after the
110 inquiry referenced above.

111
112 (ii) The penalty for a violation of this Emergency Ordinance is:

- 113
114 a. For a first offense, a fine of \$50.00
115 b. For a second offense, a fine of \$100.00
116 c. For a third and each subsequent offense, a fine of \$250.00
117 d. All other remedies available at law or equity, including injunction, remain
118 available to the County, even after issuance of a citation.

119
120 Section 5. Applicability and Conflict. This Emergency Ordinance shall apply in the
121 incorporated and unincorporated areas of Okaloosa County, unless in conflict with a municipal
122 ordinance.

123
124 Section 6. Severability. If any section, subsection, clause, or other part of this Emergency
125 Ordinance are deemed unlawful in any court of law competent to decide such matters, said
126 section, subsection, clause, or other part shall be severed and held as a separate provision and
127 shall have no effect on the remainder.

128
129 Section 7. Effective Date. This Emergency Ordinance shall be effective as provided by law.

130
131 Section 8. Automatic Termination. This Emergency Ordinance shall automatically expire on
132 October 01, 2020 unless extended by vote of the Board of County Commissioners.

135 **PASSED AND DULY ADOPTED** by [supermajority or unanimous] vote of the Board
136 of County Commissioners during a duly declared local state of emergency due to the COVID-19
137 pandemic, on this _____ day of _____, 2020.
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BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA

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144 ATTEST:

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J.D. Peacock II, Clerk

Robert A. "Trey" Goodwin III
Chairman

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151
152 APPROVED AS TO FORM:

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Lynn M. Hoshihara
County Attorney

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158
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