EXECUTIVE ORDER OF THE HILLSBOROUGH COUNTY EMERGENCY POLICY GROUP REQUIRING THE WEARING OF PROTECTIVE FACE COVERINGS

Upon motion by **Kimberly Overman** seconded by **Sandra Murman**, the following Executive Order was adopted by a vote of **5** to **3**; **Chad Chronister, Rick A. Lott and Melissa Snively** voting NO:

WHEREAS, on March 12, 2020, the Hillsborough County Emergency Policy Group issued an Executive Order declaring a local state of emergency for all of Hillsborough County due to the county wide threat from the COVID-19 virus, which order has been continuously extended by the Executive Policy Group as required by law; and

WHEREAS, the State of Florida and Hillsborough County are continuing to experience reports of illnesses and persons testing positive for the virus; and

WHEREAS, on March 1, 2020 the Governor of the State of Florida issued Executive Order Number 20-51 (EO 20-51), declaring that a public health emergency exists throughout the State of Florida as a result of the spread of the COVID-19 virus; and

WHEREAS, on March 9, 2020 the Governor of the State of Florida issued Executive Order Number 20-52, as extended by EO 20-114, declaring that a state of emergency exists throughout the State of Florida as a result of the spread of the COVID-19 virus and its imminent threat to health and welfare of the citizens of Florida; and

WHEREAS, on March 17, 2020 the Governor of the State of Florida issued Executive Order Number 20-68, as extended by EO 20-112, placing restrictions on certain businesses and public gathering locations throughout the State of Florida as a result of the spread of the COVID-19 virus and its imminent threat to health and welfare of the citizens of Florida; and

WHEREAS, on April 29, 2020 the Governor of the State of Florida issued Executive Order 20-112, as amended by EO 20-114, EO 20-120, and EO 20-123, providing a path to re-opening Florida and promoting business operations and economic recovery by implementing Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, on June 3, 2020 the Governor of the State of Florida issued Executive Order 20-139, providing a path to re-opening Florida and promoting business operations and economic recovery by implementing Phase 2: Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, even though the Governor is providing a plan for the re-opening of businesses, as well as recreational and other activities, individuals and businesses have been advised to follow Centers for Disease Control and Prevention ("CDC") guidelines; and

WHEREAS, all Executive Orders of the Governor not rescinded or otherwise terminated remain in effect, as modified or amended, and are forecast to remain so for the foreseeable future; and

WHEREAS, the said ongoing threat of COVID-19, poses a serious threat to the health and welfare of the people of Hillsborough County, Florida; and

WHEREAS, Hillsborough County is experiencing an increase in both the number of documented COVID-19 cases and the trajectory of positive tests as a percent of total tests; and

WHEREAS, Hillsborough County must continue to take emergency action to lessen the spread of COVID-19; and

WHEREAS, the CDC has indicated cloth face coverings may 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 recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (but the CDC cautions the following persons should not wear cloth face coverings: children under age 2 and anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance); and

WHEREAS, Chapter 252, Florida Statutes, and Hillsborough County Ordinance 06-13 (Hillsborough County Code of Laws and Ordinances, Part A, Chapter 22, Article II, Sections 22-19 through 22-30), authorizes the Emergency Policy Group to declare a state of local emergency and to take further reasonable action to provide for the health and safety of persons in Hillsborough County.

NOW THEREFORE, THE EMERGENCY POLICY GROUP OF HILLSBOROUGH COUNTY, FLORIDA, IN A MEETING ASSEMBLED THIS 22nd DAY OF JUNE 2020, ISSUES THIS EXECUTIVE ORDER RESOLVING THAT:

1. "Business" as used herein shall mean any commercial or for-profit entity (regardless of corporate structure or formation) that provides goods or services directly to the public. "Business" as used herein does not include religious organizations, private clubs or nonprofit organizations nor does it include any location under the control of Hillsborough County Public Schools, which shall establish its own policy for all its locations within the district.

2. "Business operator" as used herein shall mean any individual that controls the operation of an indoor location of a business, regardless of the formal title or role held by that individual or entity.

3. "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.

4. 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.

5. 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 Fla. Stat. Chapter 876.

6. All business operators of an indoor location of a business that is open to the public in Hillsborough County shall require all persons within the location to wear a face covering when not maintaining social distancing from other person(s), excluding family members or others residing in their home and subject to the exceptions in paragraph 9.

7. Business operators shall be required to ensure compliance with and enforce the provisions of this Order. Business operators 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. Individuals other than business operators may not be charged with a violation of this Order.

8. Every business is strongly encouraged to develop and implement a health and safety plan consistent with this Order requiring protective face coverings and 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.

9. 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 eating or drinking; and

i. 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

j. 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

k. The requirement shall not be applied in a manner that would conflict with the Americans with Disabilities Act (ADA).

10. 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.

11. The provisions of this Order shall serve as minimum standards, and in no way modify any power possessed by municipalities within Hillsborough County to impose more stringent standards within their jurisdictions.

12. 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, violation of this Order by a business operator may be prosecuted, pursuant to the provisions of Section 252.50, Fla. Stat., as a second degree misdemeanor punishable as provided in Section 775.082 or 775.083, Fla. Stat.

13. The provisions of this Order are severable and if any provision of this Order is held to be invalid by a court of competent jurisdiction, the remainder of this Order shall not be affected and shall remain in full force and effect.

14. This Order is effective immediately, except that the enforcement provisions of this Order shall become effective at 5:00 p.m. on June 24, 2020. It is the intent of the Hillsborough County Emergency Policy Group that this Order shall be reviewed every seven days in conjunction with its order extending a local state of emergency and to continue to closely monitor all data relating to COVID-19.

EXECUTED this **23rd** day of June, 2020.

Lesley "Les" Miller, Jr.
Emergency Policy Group, Chair

STATE OF FLORIDA)
)
COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners, do hereby certify that the above and foregoing Executive Order is a true and correct copy of the Executive Order adopted by the Emergency Policy Group of Hillsborough County, Florida, in its special meeting of June 22, 2020.

WITNESS my hand and official seal this **23rd** day of June 2020.

PAT FRANK
Clerk of Circuit Court

By: _____
Deputy Clerk

APPROVED BY THE COUNTY ATTORNEY

BY: Christine M. Beck
Approved as to form and legal Sufficiency