



**EMERGENCY ORDER NUMBER 2021-004
PALM BEACH COUNTY COVID-19
EXTENSION OF FACIAL COVERINGS DIRECTIVE**

WHEREAS, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare, and safety of the people of Palm Beach County; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a state of emergency for the State of Florida as a result of COVID-19 and has subsequently extended the state of emergency in accordance with applicable law; and

WHEREAS, on March 13, 2020, pursuant to Section 252.38(3)(a)(5), Florida Statutes, Palm Beach County declared a local State of Emergency due to the Coronavirus pandemic, which has since been extended in accordance with applicable law; and

WHEREAS, on March 24, 2020, Governor Ron DeSantis also issued Executive Order 20-83 directing the State Surgeon General and the State Health Officer to issue a public health advisory for senior persons and persons that have a serious underlying medical condition that places them at a high risk of severe illness from COVID-19 to stay at home. Such conditions include, but are not limited to, chronic lung disease or moderate to severe asthma, serious heart conditions, immunocompromised status, including those in cancer treatment, and severe obesity; and

WHEREAS, Governor Ron DeSantis has issued a number of subsequent Executive Orders in response to the COVID-19 pandemic, including Executive Order 20-112, a Phase 1: Safe Smart Step-by-Step Plan for Florida's Recovery, under which the Governor re-opened certain businesses, and Executive Order 20-120 which, among other things, served to include Palm Beach County under Phase 1, and Executive Order 20-123, in which the Governor extended and brought all Florida counties into Full Phase 1; and

WHEREAS, Palm Beach County operated under Phase 1 from May 11, 2020 to September 4, 2020, in accordance with Executive Orders 20-120, 20-123 and Order 20-139, and on September 3, 2020, Governor Ron DeSantis authorized Palm Beach County to move to Phase 2 of the *Safe. Smart. Step-by-Step. Plan for Florida's Recovery*; and

WHEREAS, the County Administrator determined that it was necessary and appropriate to issue an emergency order authorizing additional business re-openings in accordance with the direction of Governor DeSantis and Step 1 of the *Incremental Phase 2 Re-Opening Plan* and Emergency Order 2020-024 was issued for that purpose on September 4, 2020; and

WHEREAS, on September 25, 2020, Governor DeSantis issued Executive Order 20-244 moving all of Florida's counties into Phase 3. This order authorized all businesses to be open with minimal restrictions; and

WHEREAS, in response to the Governor's Executive Order 20-244, the County Administrator, on September 29, 2020, issued Emergency Order 2020-028 repealing all prior emergency orders with the exception of Orders 2020-012 (facial coverings) and 2020-017 (enforcement). Order 2020-028 allowed all businesses and establishments to reopen with adherence to the facial covering order, social distancing, and enhanced cleaning protocols, and indicated that pursuant to Governor DeSantis' Executive Order 20-244, COVID-19 related collection of fines and penalties upon individuals is suspended; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has affirmed that cloth face coverings are a critical tool in the fight against COVID-19, citing increased evidence that cloth face coverings help prevent people who have COVID-19 from spreading the virus to others and evidence that masks also help reduce the inhalation of virus-laden droplets by the wearer; and

WHEREAS, the CDC continues to recommend the use of face coverings, the practice of social distancing, and enhanced cleaning and disinfection to prevent COVID-19 spread; and

WHEREAS, the County Administrator issued Emergency Order 2020-012, **Additional Directive on Wearing of Facial Coverings**, on June 24, 2020 mandating the wearing of facial coverings in all businesses, establishments, and in public spaces. The order also required retail establishments and restaurants to post signage containing information regarding sanitization, social distancing, and facial covering requirements. This order, as extended, will expire on April 18, 2021 at 12:01 a.m., unless further extended; and

WHEREAS, considering the most current data on COVID-19 spread in Palm Beach County and throughout the nation, the County's Phased Restart Resurgence Indicators, the CDC recommendations on wearing of facial coverings, and the reopening of all Palm Beach County businesses, establishments, and public schools, the County Administrator has determined that it is in the best interest of the County to protect the health, safety, and welfare of its residents and visitors at this time to extend Emergency Order Number 2020-012 as set forth herein.

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to Palm Beach County Code Chapter 9, Article II, Section 9-35, as well as the authorities granted to me by Declaration of Emergency issued by Governor DeSantis in Executive Order 20-52, by Chapter 252, Florida Statutes, by the Board of County Commissioners, by the Palm Beach County Comprehensive Emergency Management Plan, and as otherwise provided by law, I hereby order as follows:

1. **Recitals.** The foregoing recitals are hereby incorporated herein by reference.

2. **Extension.** Executive Order 2020-012 is hereby extended until 12:01 a.m. on May 18, 2021.
3. **Conflicts.** Any provision(s) within this Order that conflict(s) with any state or federal law or constitutional provision, or conflict(s) with, or are superseded by, a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Order. The provisions of this Order shall supersede the specific provisions of any previously issued County Emergency Order that is contrary to or in conflict with this Order.
4. **Effective Date.** This Order shall be effective as of 12:01 a.m. on April 18, 2021.

PALM BEACH COUNTY

By: *Verdenia C. Baker*
County Administrator

4/15/21
Date

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: *Denise Marie Nieman*
County Attorney

ATTEST

CLERK & COMPTROLLER

By:





**EMERGENCY ORDER NUMBER 12
PALM BEACH COUNTY COVID-19
ADDITIONAL DIRECTIVE ON WEARING OF FACIAL COVERINGS**

WHEREAS, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare, and safety of the people of Palm Beach County; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis, issued Executive Order 20-52 declaring a state of emergency for the State of Florida as a result of COVID-19; and

WHEREAS, on March 13, 2020, pursuant to Section 252.38(3)(a)(5), Florida Statutes, Palm Beach County declared a local State of Emergency due to the Coronavirus pandemic, which has since been extended in accordance with applicable law; and

WHEREAS, on March 24, 2020, Governor Ron DeSantis also issued Executive Order 20-83 directing the State Surgeon General and the State Health Officer to issue a public health advisory for senior persons and persons that have a serious underlying medical condition that places them at a high risk of severe illness from COVID-19 to stay at home. Such conditions include, but are not limited to, chronic lung disease or moderate to severe asthma, serious heart conditions, immunocompromised status, including those in cancer treatment, and severe obesity; and

WHEREAS, Governor Ron DeSantis has issued a number of subsequent Executive Orders in response to the COVID-19 pandemic, including Executive Order 20-112, a Phase 1: Safe Smart Step-by-Step Plan for Florida's Recovery, under which the Governor re-opened certain businesses, and Executive Order 20-120 which, among other things, served to include Palm Beach County under Phase 1, and Executive Order 20-123, in which the Governor extended and brought all Florida counties into Full Phase 1; and

WHEREAS, the County Administrator pursuant to the authorities cited below has issued various Emergency Orders including Emergency Order 2020-004, Directive to Wear Facial Covers, effective on April 13, 2020; and

WHEREAS, on May 16, 2020, the County Administrator issued Emergency Order 2020-008, amending Emergency Order 2020-004, Directive to Wear Facial Covers, to add

a mandatory requirement for persons utilizing the County's Palm Tran transit services to wear facial coverings at all times when entering, riding, or exiting the bus or transit vehicle; and

WHEREAS, on June 4, 2020, the County Administrator issued an additional directive in Emergency Order 2020-010 mandating the wearing of facial coverings within County-owned and operated buildings including, but not limited to, office buildings, service centers, and libraries; and

WHEREAS, on June 16, 2020 and June 23, 2020, during meetings of the Board of County Commissioners, the Florida Department of Health's Palm Beach County Director, Dr. Alina Alonso, continued to stress the importance of social distancing and wearing facial coverings as the best methods to reduce the spread of Coronavirus in the absence of a vaccine against the disease; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) also continue to encourage the use of cloth face coverings to help slow the spread of Coronavirus; and

WHEREAS, Palm Beach County has experienced a sharp increase in the number of positive cases of COVID-19 in late May and June 2020. The Board of County Commissioners has determined that additional measures are needed to minimize the spread of COVID-19 and has directed the County Administrator to issue an additional order mandating the wearing of facial coverings in all businesses and establishments and in outdoor public spaces where social distancing is not possible.

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to Palm Beach County Code Chapter 9, Article II, Section 9-35, as well as the authorities granted to me by Declaration of Emergency issued by Governor DeSantis in Executive Order 20-52, by Chapter 252, Florida Statutes, by the Board of County Commissioners, by the Palm Beach County Comprehensive Emergency Management Plan, and as otherwise provided by law, I hereby order as follows:

1. The foregoing recitals are hereby incorporated herein by reference.
2. **Palm Beach County Emergency Orders 2020-004, 2020-008 and 2020-010 are hereby repealed and replaced with this Order 2020-012.**
3. This Order applies in all incorporated and unincorporated areas of Palm Beach County.

4. **Facial Coverings**

- a. **Businesses and Establishments - Facial Coverings Required.** Facial coverings must be worn by all persons, other than those specifically exempted in Section 4e. while obtaining any good or service or otherwise visiting or working in any business or establishment, including entering, exiting, and otherwise moving around within the establishment. Businesses or establishments of any type, including but not limited to, those permitted to operate under Executive Order of the Governor or any Palm Beach County Emergency Order are subject to this provision. Such businesses and establishments include, but are not limited to, restaurants, retail establishments, hotels, grocery stores, gyms, pharmacies, indoor recreational facilities, and vehicles for hire.
- b. **Public Places – Facial Coverings Required.** Facial coverings must be worn by all persons in public places where social distancing in accordance with CDC guidelines is not possible or not being practiced. For purposes of this provision, public places shall include any outdoor areas that are open and regularly accessible, including, but not limited to, common areas within private communities accessible to more than one housing unit.
- c. **Palm Tran – Facial Coverings Required.** All persons utilizing the County's Palm Tran transit services including fixed route, Palm Tran Connection, Go Glades, and any other transit service provided by Palm Tran, shall wear facial coverings at all times when entering, riding, or exiting the bus or transit vehicle, unless a medical accommodation is arranged in advance by contacting Palm Tran at (561) 841-4287.
- d. **County and Municipal Governmental Facilities - Facial Coverings Required.** All persons accessing governmental buildings for the purposes of conducting public business, visitation, contracting and maintenance, delivery, or any other activity requiring a presence in a governmental building shall wear facial coverings as defined by the CDC at all times while present in the building. For purposes of this section, governmental buildings shall mean any Palm Beach County or municipal-owned and operated buildings including, but not limited to, office buildings, service centers, and libraries.

e. **Exemptions - Facial Coverings Not Required.** Facial coverings are not required for the following persons:

1. Children under two (2) years of age and any child while under the custody of a licensed childcare facility, including daycare centers;
2. Persons prohibited from wearing facial coverings by Federal or State safety or health regulations;
3. Public safety, fire, or other life safety personnel that have personal protective equipment requirements governed by their respective agencies;
4. Individuals while actively engaged in exercise and maintaining social distancing in accordance with CDC guidelines;
5. Persons receiving goods or services from a business or establishment for the shortest practical period of time during which the receipt of such goods or services necessarily precludes the wearing of a facial covering such as, but not limited to, consuming food or beverage or receiving a facial grooming or treatment;
6. Persons who have a medical condition that makes the wearing of a facial covering unsafe such as, but not limited to, asthma, COPD, other conditions that reduce breathing or lung capacity;
7. Persons for whom wearing a facial covering conflicts with their religious beliefs or practices; and
8. Facial coverings may be removed temporarily while assisting persons who are hearing impaired or who rely on reading lips in order to communicate.

5. A facial covering includes any covering which snugly covers the nose and mouth, whether store bought or homemade, mask or clothing covering including but not limited to, a scarf, bandana, handkerchief, or other similar cloth covering and which is secured in place. Examples of compliant homemade facial coverings may be found on the CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>. Persons wearing face coverings should review the CDC and Florida Department of Health guidelines regarding safely wearing, removing, and cleaning facial coverings. Persons should not procure N95-rated masks for general use as those are critical supplies for health care workers, law enforcement, fire-rescue, emergency management, or other persons engaged in life and safety activities. In addition, in lieu of a facial covering as defined in this section, persons may wear clear, plastic face

shields, consisting of a piece of rigid, clear plastic attached to a headband that extends below the chin, whether store bought or homemade. For persons who are unable to safely utilize face coverings, businesses shall offer reasonable accommodation when required by the Americans with Disabilities Act which may include, but is not limited to, offering curbside service or any other reasonable accommodation.

6. **Compliance:** All businesses and establishments as provided for in Section 4 of this Order shall ensure compliance with the provisions of this Order and shall establish a process for verification of compliance upon customer entry into the establishment. A failure to establish and ensure such compliance may result in fines, penalties, and/or any other enforcement measures against the business as set forth in this order and as otherwise authorized by law.
7. **Signage:** All businesses and establishments as provided for in Section 4 of this Order shall conspicuously post signage as follows:
 - a. All restaurants and food service establishments shall post the signage attached hereto as Exhibit 1, designated "Restaurants and Food Service Establishment Required Signage". Signs are available in multi-languages at:
<https://discover.pbcgov.org/pdf/covid19/Restaurant-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RestaurantSpanish-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RestaurantCreole-Mask-Poster.pdf>
 - b. All retail and other establishments shall post the signage attached hereto as Exhibit 2, designated "Retail and Other Establishments Required Signage". Signs are available for download in multi-languages at
<https://discover.pbcgov.org/pdf/covid19/Retail-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RetailSpanish-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RetailCreole-Mask-Poster.pdf>
 - c. Signage required in subsections a. and b. above must be at least 8 ½" x 11" in size and printed in color if possible.
 - d. Signage shall be posted in multiple languages including English, Spanish and Creole.
 - e. Signage must be posted conspicuously for easy visibility at all entry points.
8. **Enforcement:** The Sheriff of Palm Beach County, other law enforcement agencies including municipal law enforcement agencies, and any other

personnel authorized by law, including, but not limited to, the personnel described in Section 9-37 of the Palm Beach County Code of Ordinances, are authorized to enforce this Order. Compliance and enforcement processes shall include the provision of a warning and opportunity to correct before citations resulting in fines are issued. Authorized personnel may issue civil citations for fines not to exceed two hundred fifty dollars (\$250) for the first violation and five hundred dollars (\$500) for each additional violation. Each incident of a continuing violation shall be deemed a separate additional violation. A fine schedule specific to individuals and businesses will be established by Board of County Commissioners resolution for implementation of this section.

9. Any provision(s) within this Order that conflict(s) with any state or federal law or constitutional provision, or conflict(s) with, or are superseded by, a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Order. The provisions of this Order shall supersede the specific provisions of any previously issued County Emergency Order that is contrary to or in conflict with this Order.
10. This Order shall be effective as of 12:01 a.m. on June 25, 2020 and shall automatically expire at 12:01 a.m. on July 24, 2020, unless extended by subsequent order or Board of County Commissioner action. In addition, this Order may be terminated at any time by subsequent order or Board of County Commissioners action.

PALM BEACH COUNTY

By: Verdenia Baker
County Administrator

6/24/2020
Date

APPROVED AS TO
LEGAL SUFFICIENCY

By: Denise Marie Nieman
County Attorney

ATTEST
CLERK & COMPTROLLER

By: Shaun R. Back
Deputy Clerk