

1 LEON COUNTY AMENDED EMERGENCY ORDINANCE NO. 20-15

2
3 AN EMERGENCY ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF LEON COUNTY, FLORIDA,
5 AMENDING EMERGENCY ORDINANCE NO. 20-15;
6 PROVIDING FOR INCORPORATION OF RECITALS AS
7 LEGISLATIVE FINDINGS; PROVIDING FOR DEFINITIONS;
8 PROVIDING FOR MANDATORY REQUIREMENTS;
9 PROVIDING FOR PENALTIES AND ENFORCEMENT;
10 PROVIDING FOR APPLICABILITY AND CONFLICT;
11 PROVIDING FOR SEVERABILITY; AND PROVIDING AN
12 EFFECTIVE DATE.
13

14
15 RECITALS
16

17 WHEREAS, the Board of County Commissioners of Leon County, Florida (hereinafter
18 “Board”), finds that COVID-19 presents a danger to the health, safety, and welfare of the public; and
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20 WHEREAS, COVID-19 is spread through airborne transmission from individuals sneezing,
21 speaking, and coughing, and infectious droplet nuclei can spread for a great distance, although how far
22 is not fully understood at present; and
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24 WHEREAS, since April of 2020, the Board has proactively directed the implementation of
25 numerous efforts, including an aggressive communications campaign, to encourage persons in the
26 County to practice social distancing, wash and sanitize their hands, clean high touch surfaces, and wear
27 face coverings as community mitigation strategies to increase containment of COVID-19; and
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29 WHEREAS, Governor DeSantis has issued a series of executive orders to re-open Florida, and
30 some of the restrictions to flatten the curve and slow the spread of COVID-19 have correspondingly
31 been relaxed; and
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33 WHEREAS, the continued operation of businesses providing goods and services is necessary
34 to provide essential goods and services to the public and visitors and to support the local economy; and
35

36 WHEREAS, the re-opening of the State will lead to more contact between individuals and the
37 potential for increased community spread of the disease; and
38

39 WHEREAS, despite mitigation efforts, as reported by Florida Department of Health Officer
40 (“Department of Health”) Claudia Blackburn, the number of positive cases of COVID-19 in the County
41 has spiked, with 51 positive cases reported on June 19, 2020, and a seven-day positivity rate of 3.4%
42 versus 0.77% for the previous seven days, which indicates greater local community spread and
43 transmission of the disease; and
44

45 WHEREAS, federal and state health officials have indicated that they expect additional cases
46 of COVID-19 to be identified in the coming days and, based on the highly contagious nature of
47 COVID-19, additional person-to-person transmission is likely; and
48

1 WHEREAS, conditions presented by the threat of COVID-19 continue to pose a threat to the
2 public health that requires dynamic emergency response, including the imposition of additional
3 mitigation strategies as conditions require; and
4

5 WHEREAS, the use of face coverings has been identified as a measure to assist in preventing
6 individuals who may be shedding COVID-19 from spreading it to other individuals; and
7

8 WHEREAS, to reduce the spread of the disease, the Centers for Disease Control (“CDC”)
9 recommends the use of cloth face coverings in public settings where other social distancing measures
10 are difficult to maintain, such as grocery stores and pharmacies, since many individuals with no
11 symptoms can spread the virus, and even individuals who develop symptoms can transmit the virus to
12 others before showing symptoms; and
13

14 WHEREAS, Florida Medical Association President Ronald L. Giffler, MD, JD, MBA, has
15 issued a statement urging Floridians to use face coverings to prevent the further spread of COVID-19,
16 and further calling on local officials to adopt regulations requiring the use of masks in public places,
17 specifically stating “[t]he science is clear. Asymptomatic infected individuals can release aerosol
18 particles while breathing and speaking. Not wearing a mask or face covering increases exposure,
19 whereas universal masking greatly reduces the spread of viral particles. The message is simple: For the
20 sake of your health and the health of everyone around you, Florida’s doctors want you to wear a mask.”;
21 and
22

23 WHEREAS, on June 22, 2020, after Florida reported more than 4,000 new cases of COVID-
24 19 in a single day, State Surgeon General Scott Rivkees issued an additional public health advisory
25 recommending people wear face coverings in any setting where social distancing is not possible, stating
26 that “all individuals [should] refrain from participation in social or recreational gatherings of more than
27 50 people” and in smaller crowds “practice social distancing by maintaining a distance of at least six
28 feet from each other and wear a face covering.”; and
29

30 WHEREAS, the CDC recommends only simple cloth face coverings for the general population
31 and not surgical masks or N-95 respirators because these are critical supplies that must continue to be
32 reserved for healthcare workers and other medical first responders; and
33

34 WHEREAS, cloth face coverings are relatively inexpensive and readily available as the CDC
35 states that they can be made from household items and provides online guidance for making “do-it-
36 yourself” coverings for people who cannot or do not want to buy one from the increasing sources
37 producing and selling coverings; and
38

39 WHEREAS, the County has committed to make face coverings available to the public at
40 County libraries; and
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42 WHEREAS, the CDC does not recommend wearing a cloth face covering for children under
43 the age of 2, or anyone who has trouble breathing, or is unconscious, incapacitated, or otherwise unable
44 to remove a mask without assistance; and
45

46 WHEREAS, a special meeting of the Board was scheduled for June 23, 2020, for the single
47 purpose of discussing the recent increase in COVID-19 cases in the County and to consider additional
48 mitigation requirements to be imposed countywide; and
49

1 WHEREAS, the Board was provided with information regarding mandatory face covering
2 requirements adopted in other parts of the State and a list of resources regarding recommendations
3 relating to face coverings issued by various worldwide, federal, and state health organizations; and
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5 WHEREAS, at the June 23, 2020, special meeting the Board received information from
6 Department of Health Officer Claudia Blackburn confirming a spike in local positive COVID-19 cases,
7 stating that in addition to the 110 confirmed local positive COVID-19 cases in the last week, an
8 additional 114 probable cases connected to rapid tests must be investigated; and
9

10 WHEREAS, adopting face covering requirements via ordinance, as opposed to local emergency
11 powers, would permit enforcement through civil citations and fines instead of criminal prosecution as
12 a second-degree misdemeanor; and
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14 WHEREAS, the Board unanimously determined that an emergency exists, and the immediate
15 enactment of the Emergency Ordinance was necessary as authorized in section 125.66(3), Florida
16 Statutes; and
17

18 WHEREAS, on June 23, 2020, the Board unanimously adopted Emergency Ordinance No. 20-
19 15; and
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21 WHEREAS, the Board desires to amend the provisions of Emergency Ordinance No. 20-15;
22 and
23

24 WHEREAS, the Board finds adoption of this Amended Emergency Ordinance is necessary for
25 the preservation of the health, safety, and welfare of the community.
26

27 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON
28 COUNTY, FLORIDA, that:
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30 **Section 1. Incorporation of Recitals as Legislative Findings.**
31

32 The recitals of this Amended Emergency Ordinance are incorporated herein and constitute the
33 legislative findings of the Board. The recitals are made fully a part of this Amended Emergency
34 Ordinance as if the recitals were set out in a section hereunder.
35

36 **Section 2. Definitions.**
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- 38 (i) Face Covering. A “face covering” is a material that covers the nose and mouth and that
39 fits snugly against the sides of the face so there are no gaps. It can be secured to the head
40 with ties or straps or simply wrapped around the lower face. It can be made of a variety
41 of materials, such as cotton, silk, or linen. Coverings with materials made of multiple
42 layers is highly encouraged. A cloth face covering may be factory-made or sewn by
43 hand, or the cloth face covering can be improvised from household items. The CDC has
44 posted additional information regarding how to make, wear, and wash a cloth face
45 covering at [https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html)
46 [face-coverings.html](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html).
47

- 1 (ii) Business Establishment. A “business establishment” means a location with a roof
2 overhead under which any business is conducted, goods are made or stored or processed
3 or where services are rendered. The term “business establishment” includes
4 transportation network companies, such as Ubers and Lyft, vehicles operated for mass
5 transit, taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for
6 hire. The term “business establishment” includes locations where non-profit,
7 governmental, and quasi-governmental entities facilitate public interactions and conduct
8 business. The term “business establishment” also includes places of worship. The term
9 “business establishment” does not include property over which the Leon County School
10 Board has management, control, operation, administration, and supervision.
11
- 12 (iii) Lodging Establishment. A “lodging establishment” shall have the same meaning as the
13 term “transient public lodging establishment” has in section 509.013(4)(a)1, Florida
14 Statutes (2019). Accordingly, for purposes of this Amended Emergency Ordinance, a
15 “lodging establishment” means any unit, group of units, dwelling, building, or group of
16 buildings within a single complex of buildings which is rented to guests more than three
17 times in a calendar year for periods of less than 30 days or 1 calendar month, whichever
18 is less, or which is advertised or held out to the public as a place regularly rented to
19 guests.
20

21 **Section 3. Mandatory Requirements.**
22

- 23 (i) An individual in a business establishment must wear a face covering while in that
24 business establishment.
25
- 26 (ii) The requirement in this section does not apply to:
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- 28 a. A child under the age of 6.
 - 29
 - 30 b. Persons who have trouble breathing due to a chronic pre-existing condition or
31 individuals with a documented or demonstrable medical problem. It is the intent of
32 this provision that those individuals who cannot tolerate a facial covering for a
33 medical, sensory or any other condition which makes it difficult for them to utilize
34 a face covering and function in public are not required to wear one.
 - 35
 - 36 c. Public safety, fire, and other life safety and health care personnel, as their personal
37 protective equipment requirements will be governed by their respective agencies.
 - 38
 - 39 d. Persons exercising while observing at least 6 feet of distancing from another person.
40
 - 41 e. Restaurant and bar patrons while eating or drinking. It is the intent of this provision
42 that a face covering will be worn while traversing a business establishment for
43 ingress and egress, to use the facilities, and while otherwise standing when persons
44 are unable to maintain at least 6 feet of distancing.
45

1 f. Business owners, managers, and employees who are in an area of a business
2 establishment that is not open to customers, patrons, or the public, provided that 6
3 feet of distance exists between persons. This exception does not apply to employees
4 who are present in the kitchen or other food and beverage preparation area of a
5 business establishment.
6

7 g. An individual in a lodging establishment who is inside of the lodging unit, including,
8 but not limited to, a hotel room, motel room, vacation rental unit, timeshare unit, or
9 similar unit.
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11 (iii) Every business establishment is required to post signage notifying all persons of the
12 requirement to wear a face covering as provided in this section.
13

14 (iv) Nothing herein shall require or allow a person to wear a face covering to conceal the
15 identity of the wearer in violation of Chapter 876, Florida Statutes.
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17 **Section 4. Penalties and Enforcement.**
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19 (i) A violation of this Amended Emergency Ordinance is a noncriminal infraction. A
20 violation of this Amended Emergency Ordinance does not authorize the search or arrest
21 of an individual. Prior to the issuance of a citation, the individual will be asked to comply
22 with the Amended Emergency Ordinance or be able to explain how an exception in
23 section 3(ii) applies to them. Failure to comply with the requirements of this Amended
24 Emergency Ordinance presents a serious threat to the public health, safety, and welfare,
25 and a citation may be issued for such a violation after the inquiry referenced above.
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27 (ii) The penalty for a violation of this Amended Emergency Ordinance is:
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29 a. For a first offense, a fine of \$50.00.
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31 b. For a second offense, a fine of \$125.00.
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33 c. For a third and each subsequent offense, a fine of \$250.00.
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35 d. All other remedies available at law or equity, including injunction, remain available
36 to the County, even after issuance of a citation.
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38 **Section 5. Applicability and Conflict.**
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40 This Amended Emergency Ordinance shall apply countywide and establish minimum
41 standards, though the City of Tallahassee, the State University System, the State College System, the
42 State of Florida, or Federal agencies may adopt more stringent rules and procedures regarding the face
43 covering requirement. All County ordinances or parts of ordinances in conflict with this Amended
44 Emergency Ordinance are hereby repealed to the extent of said conflict.
45

1 **Section 6. Severability.**

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3 If any word, phrase, clause, section, or portion of this Amended Emergency Ordinance is
4 declared by any court of competent jurisdiction to be invalid, void, unconstitutional, or unenforceable,
5 then all remaining provisions and portions of this Amended Emergency Ordinance shall remain in full
6 force and effect.

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8 **Section 7. Effective Date.**

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10 As provided in section 125.66(3), Florida Statutes, this Amended Emergency Ordinance shall
11 be deemed to be filed and shall take effect when a copy of this Ordinance has been accepted and
12 confirmed by the Department of State.


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14 This Amended Emergency Ordinance No. 20-15 was adopted by unanimous vote of the Board
15 of County Commissioners of Leon County, Florida, during a duly declared local state of emergency
16 due to the COVID-19 pandemic, on this 14th day of July, 2020.



LEON COUNTY, FLORIDA

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22 By: 
23 Bryan Desloge, Chairman
24 Board of County Commissioners

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26 ATTESTED BY:
27 Gwendolyn Marshall, Clerk of Court
28 & Comptroller, Leon County, Florida

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30
31 By: 

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33
34 APPROVED AS TO FORM:
35 Chasity H. O'Steen, County Attorney
36 Leon County Attorney's Office

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38
39 By: 
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