

EMERGENCY ORDINANCE 2020-12

AN ORDINANCE OF THE CITY OF FORT MEADE, FLORIDA, RELATED TO PUBLIC HEALTH; REQUIRING PERSON THAT LIVE, WORK, VISIT OR DO BUSINESS IN THE CITY OF FORT MEADE TO WEAR FACE COVERINGS IN CERTAIN PUBLIC PLACES TO STOP OR SLOW THE SPREAD OF NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING EXCEPTIONS; ESTABLISHING ENFORCEMENT AND PENALTY PROVISION FOR VIOLATIONS; PROVIDING FINDINGS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FORT MEADE, FLORIDA:

SECTION 1. COMMISSION FINDINGS. In adopting this Ordinance, the City Commission of The City of Fort Meade, Florida, hereby makes the following findings:

- (1) Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.
- (2) On March 1, 2020, Ron DeSantis, Governor of the State of Florida, issued Executive Order No. 20-51, directing the Florida Department of Health to issue a Public Health Emergency.
- (3) Governor DeSantis issued Executive Order No. 20-52, attached hereto as Exhibit "A" and incorporated herein by reference declaring that a State of Emergency exists in every county in the State of Florida as a consequence of Coronavirus Disease 2019 (COVID-19), a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.
- (4) On March 1, 2020, the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida as a result of COVID-19.
- (5) On March 9, 2020, Governor DeSantis declared that a state of emergency exists in the State of Florida as a result of the continued spread of COVID-19.
- (6) The World Health Organization declared COVID-19 a Public Health Emergency of International Concern.
- (7) On March 13, the President of the United States issued a national emergency declaration regarding COVID-19.
- (8) Governor DeSantis has issued a number of subsequent executive orders that limit

certain activities and recommend that all persons in Florida follow appropriate social distancing and safety protocols issued by the Centers for Disease Control and Prevention (CDC) and the United States Occupational Safety and Health Administration (OSHA).

(9) COVID-19 has created or imminently threatens to create conditions that may severely affect the public health, safety, welfare and security of the citizens, residents and visitors of The City of Fort Meade, Florida.

(10) Section 252.38, Florida Statutes, authorizes political subdivisions, including municipalities, to declare a state of local emergency and to take whatever prudent action is necessary to ensure the health, safety and welfare of the community.

(11) Pursuant to Section 252.38(3)(a), Florida Statutes, the Legislature has empowered municipalities to declare a state of local emergency.

(12) In order to mitigate or prevent these impacts, on March 24, 2020, the City Commission then found that it is necessary to declare a state of emergency within the entire incorporated limits of the City of Fort Meade pursuant to the City's Charter, Chapter 252, Florida Statutes, through the adoption of Resolution No. R2020-05 (the "March 24 Resolution").

(13) The City Commission also possesses broad home rule powers that authorize it to protect the public health, safety, and welfare, declare emergencies, and protect its citizens, and has by those powers adopted emergency ordinance no. 2020-08 on March 24, 2020, and a permanent replacement ordinance no. 2020-09 to enable it to declare civil emergencies and to hold commission meetings using communications media technology.

(14) Despite measures previously taken, COVID-19 has rapidly spread in the State of Florida, and based on the advice from medical professionals, the number of confirmed cases of COVID-19 in Polk County will continue to increase exponentially if additional measures to stop or slow the spread of COVID-19 are not instituted.

(15) Based on the state's extension of the state declaration of emergency by Executive Order #20-166, the City extended the current city emergency declaration.

(16) Public health experts have consistently recommended avoiding close physical interaction between people in order to slow the spread of COVID-19.

(17) Despite measures previously taken, COVID-19 has rapidly spread in the State of Florida, and based on the advice from medical professionals, the number of confirmed cases of COVID-19 in Polk County, and in particular The City of Fort Meade, will increase exponentially if additional measures to stop or slow the spread of COVID-19 are not instituted.

(18) It is now necessary for the City of Fort Meade to implement further restrictions for the general health, safety, and welfare of the community.

(19) The CDC has expressly found that COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes or talks, and that these droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs, and studies and evidence on infection control report that these droplets usually travel around 6 feet.

(20) The CDC specifically recommends that, as businesses and communities reopen and people resume their daily activities, people should wear face coverings to slow the spread of COVID-19, particularly in public settings where other social distancing measures are difficult to maintain.

(21) The City Commission is mindful of the need to protect and preserve the rights and civil liberties of the citizens of the City of Fort Meade while aggressively defending the health and wellbeing of those citizens.

(22) The City of Fort Meade is also establishing distribution points to provide face coverings at no charge to individuals.

(23) On July 7, 2020, the Board of County Commissioners of Polk County, Florida, authorized the purchase of sufficient numbers of face coverings to be used by the citizens of Polk County at no charge.

(24) Consistent with the ongoing nature of the COVID-19 emergency, it is appropriate in order to ensure the health, safety and welfare of the community during the present state of emergency to require face coverings consistent with the provisions provided herein.

(25) For the purpose of better protecting the lives of its citizens, residents, employees, and visitors in order to mitigate or prevent these impacts, the City Commission finds that it is necessary to approve this Emergency Ordinance pursuant to the City's Charter, Chapter 252, Florida Statutes, and the City's home rule authority, including that set forth in Article VIII, Section 2(b), Florida Constitution, and Section 166.021, Florida Statutes.

SECTION 2. DECLARATION OF EMERGENCY. Pursuant to state law and based upon the Legislative Findings set forth in the above-stated Recitals, the City Commission of The City of Fort Meade hereby finds and declares that an emergency exists requiring immediate action by the City Commission. By virtue of the threat to public health and safety by virtue of the threat to the City's financial health and home rule powers, it is necessary for the City to implement this regulation, which can only be accomplished by the adoption of this Emergency Ordinance.

SECTION 3. DEFINITIONS. The following terms are defined as follows:

"Face Covering" 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, consistent with CDC guidelines.

"Social Distancing" shall mean keeping space between yourself and other people by staying at least 6 feet from other people.

"Companion" shall mean a person by whom you are accompanied.

SECTION 4. FACE COVERINGS REQUIRED.

(1) Every person working, living, visiting, or doing business in the City of Fort Meade, Florida shall wear a face covering consistent with CDC guidelines in any indoor location, other than their home or residence, when not maintaining social distancing from other persons, excluding family members or companions.

(2) Medical and surgical 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.

SECTION 4. EXCEPTIONS. Nothing herein shall require the wearing of face coverings by the following persons:

(1) Persons under the age of eight (8) years old;

(2) Persons observing social distancing in accordance with CDC guidelines;

(3) Persons for whom a face covering would cause impairment due to an existing health condition;

(4) Persons working in a business or profession who do not have interactions with other persons;

(5) Persons working in a business or profession who maintain social distancing from other persons;

(6) Persons working in a business or profession where use of a face covering would prevent them from performing the duties of their business or profession;

(7) Persons exercising, while maintaining social distancing in accordance with CDC guidelines;

(8) Persons eating or drinking;

(9) Persons under the age of eighteen (18) years old while participating in youth sports;

(10) Public safety, fire and other life safety and health care personnel, as their protective equipment requirements will be governed by their respective agencies;

(11) Persons communicating with someone who is hearing impaired where the wearing of a face covering would impede communication, provided that social distancing is observed to the greatest extent practicable;

(12) Persons for whom the requirement to wear a face covering would cause a conflict with the Americans with Disabilities Act (ADA).

SECTION 6. APPLICABILITY. Any provision of this Emergency Ordinance that conflicts with any State or Federal law or constitutional provision, or conflicts with or is superseded by a current or subsequently issued executive order of the Governor or other authority, shall be deemed inapplicable and deemed severable from this Emergency Ordinance, with the remainder of this Emergency Ordinance remaining in full force and effect. This Emergency Ordinance applies within the jurisdictional limits of the City of Fort Meade, Florida.

SECTION 7. SEVERABILITY. If any provision of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision, and to that end, the provisions of this ordinance are hereby declared severable.

SECTION 8. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed, replaced, and superseded to the extent of such conflict.

SECTION 9. EFFECTIVE DATE. This emergency ordinance shall take effect on July 28, 2020 at 5:00 p.m. and shall expire at 5:00 p.m. on August 28, 2020.

PASSED this 29th day of July, 2020.

CITY OF FORT MEADE, FLORIDA


James Watts, Mayor

ATTEST:


Melissa Cannon, Deputy City Clerk

APPROVED:


Danielle J. Judd, City Manager

APPROVED AS TO FORM AND LEGALITY:


Thomas A. Cloud, City Attorney