

RESOLUTION 34-2020

A RESOLUTION OF THE CITY OF GULF BREEZE, FLORIDA DECLARING A STATE OF EMERGENCY TO IMPLEMENT PROTECTIVE MEASURES RELATED TO COVID-19.

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza; and

WHEREAS, on March 19, 2020, the Governor of Florida issued Executive Order 20-52 declaring a State of Emergency for the state of Florida related to COVID-19 and through that order and others placed restrictions on businesses and activities to protect against the spread of COVID-19; and

WHEREAS, on April 6, 2020, the City Council of the City of Gulf Breeze ratified and adopted Resolutions 20-2020, 21-2020, and 22-2020, through which the Mayor of the City of Gulf Breeze, pursuant to the authority of Section 2-37 of the City Code of Ordinances declared a local state of emergency for the City to implement emergency protective measures related to COVID-19; and

WHEREAS, throughout the pandemic the City Manager has implemented additional administrative actions consistent with the City's Pandemic Disease Plan, emergency declarations, and other emergency provisions that the Council found were necessary and appropriate to protect the health, safety and welfare of the citizens of Gulf Breeze; and

WHEREAS, in May, 2020, Governor DeSantis issued executive orders to begin to re-open Florida and relax the restrictions implemented to protect against COVID-19; and

WHEREAS, on May 4, 2020, the City Council adopted Resolution 27-2020 to rescind provisions of the emergency protective measures implemented under Resolutions 20-2020, 21-2020, and 22-2020 to the extent that those emergency protective measures were inconsistent with the business re-opening and recovery plans incorporated in Governor Ronald DeSantis' May 4, 2020 Executive Order 20-112 "Phase I: Safe, Smart, Step-by-Step Plan for Florida's Recovery"; and

WHEREAS, the City Council and staff have continued to monitor the data on new cases of COVID-19 in Florida and in the City of Gulf Breeze and surrounding areas; and

WHEREAS, COVID-19 continues to pose a health risk to the residents of the City of Gulf Breeze and visitors to the City in particular because so many people travel through, and stop in, the City on their way to Pensacola Beach; and

WHEREAS, on June 22, 2020, after Florida reported more than 4,000 new cases of COVID-19 in a single day, State Surgeon General Scott Rivkees issued an additional public health advisory recommending people wear face coverings in any setting where social distancing

is not possible, and stating that in gatherings of fewer than 50 people, individuals should maintain at least six feet distance from each other and wear a face mask; and

WHEREAS, in the last 24 hours the number of new COVID-19 cases in the City of Gulf Breeze has doubled and tracking reveals that the new cases are related to community spread; and

WHEREAS, the Centers for Disease Control (CDC) recommends the use of cloth face coverings in public settings where other social distancing measures are difficult to maintain, such as inside businesses; and

WHEREAS, cloth face coverings are relatively inexpensive and readily available and the use of such face coverings has been recognized as a measure to assist in preventing the spread of COVID-19; and

WHEREAS, the CDC and Dr. Rivkees have identified circumstances in which a face covering should not be worn; and

WHEREAS, the Mayor of the City of Gulf Breeze finds that a state of local emergency to implement additional protective measures in the City of Gulf Breeze is necessary under the circumstances;

NOW, THEREFORE, the Mayor of the City of Gulf Breeze, under the authority granted pursuant to Section 2-37 of the City Code of Ordinances, hereby resolves, finds, and declares that effective June 26, 2020 at 5:00 p.m. CDT, until further action by the Mayor or the City Council of the City of Gulf Breeze, as follows:

SECTION 1. RECITALS. The above recitals are true and are incorporated herein.

SECTION 2. DEFINITIONS.

- a. A "business" is a location with a roof overhead under which any business is conducted, goods are made, stored, processed, sold, or made available for sale, or where services are, rendered, and includes outside extensions of the business, including patio areas and areas under a license to use agreement. The term includes transportation network companies, such as Ubers and Lyft; vehicles operated for mass transit except for ECAT buses and other mass transit controlled by Escambia County; taxis; pedicabs; limousines for hire; rental cars; other passenger vehicles for hire; and locations where non-profit, governmental, and quasi-governmental entities facilitate public interactions and conduct business.
- b. A "face covering" is a material that covers the nose and mouth, fits snugly against the sides of the face so there are no gaps, and which is secured to the head with ties or straps or simply wrapped around the lower face. Face coverings can be made of a variety of materials, including but not limited to cotton, silk, or linen, and are most effective when made of multiple layers. A cloth face covering may be

factory-made or sewn by hand, or the cloth face covering can be improvised from household items. Additional information regarding effective face covering is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>.

- c. "Wearing a face covering" means wearing a face covering over the person's nose and mouth and snugly against the sides of the face.
- d. A "lodging establishment" shall have the same meaning as the term "transient public lodging establishment" has in section 509.013(4)(a)1, Florida Statutes (2019). Accordingly, for purposes of this order, a "lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

SECTION 3. MANDATORY REQUIREMENTS.

- a. An individual in a business must wear a face covering while in that business.
- b. All persons who own, manage, or are employed by a business located in the City of Gulf Breeze must wear a face covering while on-duty and having direct or indirect customer contact, including persons working in a kitchen or otherwise preparing or serving food or beverages to customers.
- c. Each business must post signage notifying individuals of the requirement to wear a face covering as provided by this order.

SECTION 4. EXCEPTIONS. This order shall not apply to:

- a. A child under six years of age.
- b. A person who has one or more medical conditions or disabilities that prevent wearing a face covering, including anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove a face covering without assistance. A person asserting this exception for medical conditions or disabilities is not required to carry or produce documentation verifying the health condition to a business or law enforcement.
- c. A person who is communicating with an individual who is hearing impaired who needs to see the mouth of the person speaking to facilitate communication.
- d. An individual who is obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.

- e. Public safety, police, fire, and other life safety and health care personnel whose personal protective equipment requirements are governed by their respective agencies and employers.
- f. A person exercising while observing at least six feet of distancing from other persons.
- g. Persons who are eating or drinking, although it is the intent of this provision that a face covering be worn while traversing a business for ingress and egress, to use restroom facilities, and while standing where persons are unable to maintain at least six feet of distancing.
- h. Business owners, managers, and employees who are in an area of a business that is not open to customers, patrons, or the public, provided that six feet of distance exists between persons. This exception does not apply to employees who are present in the kitchen or other food and beverage preparation area of a business - those persons must wear face coverings.
- i. An individual in a lodging establishment who is inside of the lodging unit, including, but not limited to, a hotel room, motel room, vacation rental unit, timeshare unit, or similar unit.

SECTION 5. Nothing herein shall require or allow a person to wear a face covering to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.

SECTION 6. The City Manager is authorized to continue to take such administrative actions as are consistent with the City's Pandemic Disease Plan, emergency declarations and other emergency provisions as necessary and appropriate to protect the health, safety and welfare of the citizens of the City of Gulf Breeze during the COVID-19 pandemic.

SECTION 7. This Resolution shall take effect at five (5) p.m. on June 26, 2020, and shall remain in effect until further action by the Mayor or the City Council of the City of Gulf Breeze pursuant to Section 2-37 of the City Code of Ordinances.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA ON THIS 26th DAY OF JUNE, 2020.

CITY OF GULF BREEZE, FLORIDA



CHERRY M. FITCH, MAYOR

ATTEST:



STEPHANIE LUCAS, DEPUTY CITY CLERK

