

**Add-on item  
for  
Meeting of Tuesday,  
May 11, 2021**

**General Business:**

28. **ADD-ON** - Phase 3 of Leon County's COVID-19 Response and Re-opening Plan, and Consideration of Public Hearing to Repeal Amended Emergency Ordinance No. 20-15  
*(County Administrator/ County Attorney/ County Administration)*

**This document distributed May 6, 2021.**

**Leon County  
Board of County Commissioners**

**Notes for Agenda Item #28**

# Leon County Board of County Commissioners

## Agenda Item #28

May 11, 2021

**To:** Honorable Chairman and Members of the Board

**From:** Vincent S. Long, County Administrator  
Chasity H. O'Steen, County Attorney

**Title:** Phase 3 of Leon County's COVID-19 Response and Re-opening Plan, and Consideration of Public Hearing to Repeal Amended Emergency Ordinance No. 20-15

<b>Review and Approval:</b>	Vincent S. Long, County Administrator Chasity H. O'Steen, County Attorney
<b>Department/ Division Review:</b>	Alan Rosenzweig, Deputy County Administrator
<b>Lead Staff/ Project Team:</b>	Andrew Johnson, Assistant to the County Administrator Mathieu Cavell, Assistant to the County Administrator

### **Statement of Issue:**

This item seeks Board consideration to implement Phase 3 of the *Leon County COVID-19 Response and Re-opening Plan*, consistent with Executive Orders issued by the Governor on May 3, 2021, and seeks any additional policy direction the Board may wish to provide with respect to Leon County's re-opening of programs and services. Also, because the Governor's Executive Order 21-102 invalidated Leon County Amended Emergency Ordinance No. 20-15, which required individuals to wear a face covering when inside a business establishment unless an exception applied, this item also seeks Board consideration to schedule a Public Hearing to consider the repeal of Amended Emergency Ordinance No. 20-15.

### **Fiscal Impact:**

This item has a fiscal impact. Adequate Tourism funds have been budgeted in anticipation of transitioning to Phase 3 of the Re-opening Plan during FY 2021. This includes funding for Amphitheater concerts that were rescheduled due to the pandemic and resuming the County's sponsorship of indoor visitor-generating events through the Division of Tourism's FY 2021 event grant program.

### **Staff Recommendation:**

- Option #1: Direct the County Administrator to implement Phase 3 of the *Leon County COVID-19 Response and Re-opening Plan*.
- Option #2: Schedule the first and only Public Hearing to consider repealing Leon County Amended Emergency Ordinance No. 20-15 for June 8, 2021.

## **Report and Discussion**

### **Background:**

This item seeks the Board's approval to implement Phase 3 of the *Leon County COVID-19 Response and Re-opening Plan* (Plan), consistent with Executive Orders No. 21-101 and 21-102 (Executive Orders) issued by the Governor on May 3, 2021, and seeks any additional policy direction the Board may wish to provide with respect to Leon County's re-opening of programs and services. Also, because the Governor's Executive Order 21-102 suspended Leon County Amended Emergency Ordinance No. 20-15 (Ordinance), which required individuals to wear a face covering when inside a business establishment unless an exception applied, this item also seeks Board consideration to schedule a Public Hearing to consider the repeal of the Ordinance.

The Executive Orders (Attachments #1 and #2), which suspend and invalidate local government actions based on the COVID-19 state of emergency, effectively preclude the County from requiring individuals or businesses to take measures to slow the spread and mitigate the risk of resurgence of COVID-19 unless the County adopts an ordinance pursuant to the regular enactment procedures in Section 125.66, Florida Statutes, to protect the health, safety, and welfare of those in the County. As discussed in detail in the Analysis section below, issuance of the Executive Orders will require the County to transition to a "full Phase 3" re-opening under the Plan (Attachment #3). Also, because these Executive Orders suspended the Ordinance (Attachment #4), which required individuals to wear a face covering when inside a business establishment unless an exception applied, this item seeks the Board's consideration to schedule a Public Hearing to consider the repeal of the Ordinance.

The Analysis section below provides an overview of the Executive Orders as well as an update regarding the operational and service changes contemplated in Phase 3 of the Plan. In Phase 3, the County would continue to actively encourage, rather than require, citizens to follow the expert public health guidance issued by the U.S. Centers for Disease Control and Prevention (CDC). Finally, this item seeks any additional policy direction or community guidance the Board may wish to provide relative to Phase 3 of Leon County's re-opening plan. The Analysis section below also provides an overview of the Ordinance, the Executive Orders, and effect of the Executive Orders on the County's ability to require that individuals and businesses take measures to mitigate COVID-19.

### **Analysis:**

#### **Executive Order Nos. 21-101 and 21-102:**

As indicated above, Governor DeSantis issued the Executive Orders on May 3, 2021, immediately suspending any COVID-19 restrictions and mandates on individuals and businesses issued by cities and counties. Executive Order 21-102 suspends "all local COVID-19 restrictions and mandates on individuals and businesses." This Order "eliminates and supersedes" any existing municipal or county emergency order or ordinance "that imposes restrictions or mandates upon businesses or individuals due to the COVID-19 emergency." Such restrictions or mandates would include face covering requirements, curfews, business occupancy restrictions, business signage

requirements, etcetera; however, emergency orders or ordinances relating to procurement, vaccination distribution, COVID-19 testing sites, etcetera, do not seem to be impacted by this Order. Until June 26, 2021, when the statewide state of emergency initiated under Executive Order 20-52 and most recently renewed under Executive Order 21-94 expires, a municipality or county cannot renew or enact an emergency order or ordinance using a local state of emergency or using the emergency enactment procedures under Chapters 125, 166, or 252, Florida Statutes, that imposes restrictions or mandates upon businesses or individuals due to the COVID-19 emergency. This Order does not prohibit a municipality or county from enacting an ordinance pursuant to regular enactment procedures to protect public health, safety, and welfare.

Effective July 1, 2021, Executive Order No. 21-101 provides that any "emergency order" issued by a municipality or county due to the COVID-19 emergency that restricts the "rights or liberties of individuals or their businesses is invalidated." This Order uses the term "emergency orders" as defined in Senate Bill 2006 (2021), which has been signed by the Governor and is now denoted as Chapter 2021-8, Laws of Florida. The phrase "emergency order" as used in the Order and defined in the legislation means "an order or ordinance issued or enacted by a political subdivision in response to an emergency pursuant to this chapter [252] or chapter 381 that limits the rights or liberties of individuals or businesses within the political subdivision." The term does not apply in response to hurricanes or other weather-related emergencies. This Order does not prohibit a municipality or county from enacting an ordinance pursuant to regular enactment procedures to protect public health, safety, and welfare of its local population; only COVID-19 "emergency orders" enacted prior to July 1, 2021, are invalidated.

*Leon County COVID-19 Response and Re-opening Plan:*

Since the Board accepted the Plan on May 21, 2020, the Board has approved incremental adjustments to the plan to reflect a transition from strict physical distancing to a gradual, phased re-opening. These modifications to the County's re-opening plan were made based on public health benchmarks and trajectories, expert public health guidance, and evolving requirements as set forth in the Governor's Executive Orders. At this time, the vast majority of County services and facilities are fully open to the public:

- All County offices which offer direct services currently accommodate walk-in clients.
- County Commission meetings are conducted in a "hybrid" format, which provides citizens the option to provide written comment or attend in-person or remotely.
- The County's passive recreation facilities (greenways and trails, dog parks, playgrounds, and campgrounds) are fully open to the public.
- At the September 15, 2020 meeting, the Board authorized organized cross-country activities to resume at County facilities with protocols in place to mitigate the spread of COVID-19.
- At the September 29, 2020 meeting, the Board authorized reopening the County's playgrounds and also allowed fall youth sports to resume at County facilities under mitigation plans submitted by the youth sports leagues.

- At the January 26, 2021 meeting, the Board approved resuming the County's sponsorship of FY 2021 Tourism event grant recipients for outdoor and virtual events with COVID-19 response plans approved by the Division of Tourism. The Board did not approve resuming the County's sponsorship of indoor events at that time.

Under the current re-opening phase, the only Leon County services and facilities that remain restricted are:

- Leon County Library locations are open to the public at 50 percent capacity;
- Reservations for community centers and pavilions are suspended; and
- The use of recreation fields for organized team sports activities is limited to County-licensed youth sports providers with mitigation plans in place.

As discussed above, the Executive Orders preclude the County from requiring individuals or businesses to take measures to slow the spread and mitigate the risk of resurgence of COVID-19 unless the County adopts an ordinance pursuant to the regular enactment procedures to protect public health, safety, and welfare. This, in effect, requires the County to transition to a "full Phase 3" re-opening under the Plan. Under a full Phase 3, all County services and facilities would return to normal operations and capacity, as follows:

- The County would recommend, rather than require, citizens continue wearing face coverings and practicing physical distancing when inside County facilities as recommended by the CDC and would produce signs to advise citizens of these recommended actions.
- Commission meetings would return to unrestricted in-person participation; accommodations would continue to be made for citizens wishing to participate remotely or to provide written comment until such time as the CDC no longer recommends indoor mitigative measures.
- Temperature screening devices would still be present at the Courthouse; however, citizens would be advised, rather than required, to check their temperature before entering the building. As judicial branch functions are not subject to the Governor's Executive Orders, the chief judge may continue to implement mitigative measures for court-related functions.
- County Libraries would re-open at full capacity.
- All County passive and active recreation facilities would fully re-open, including reservations for community centers and pavilions. Cross-country event organizers and sports leagues would be encouraged to continue implementing their safety plans.
- With respect to the County's sponsorship of outdoor events, as previously discussed, the Board approved resuming outdoor and virtual FY 2021 Tourism event grants with a requirement that event organizers submit and enforce mitigation plans as a condition of County funding. In light of the Executive Orders, it is recommended that the County continue its sponsorship of these events with a recommendation to event operators that they continue to enforce their safety plans.

- In Phase 3, the County would resume its sponsorship of indoor visitor-generating events, similarly encouraging event organizers and attendees to follow CDC guidance. As presented to the Board at the January 26, 2021 meeting, the County's FY 2021 event grant application cycle was intentionally delayed in order to gather additional revenue forecasts and to align grant guidelines with the County's Plan. After careful consideration, the County proceeded with the FY 2021 event grants application cycle in anticipation of better future conditions that would allow these events to occur. The decision to initiate the application cycle was designed to position the community to host events by the start of Phase 3 rather than wait until Phase 3 to initiate the grant cycle. FY 2021 event grant applications have previously been reviewed and ranked by the Tourist Development Council, and funding is available to support these events.
- Under Phase 3 of the County's re-opening plan, County-organized concerts and events would resume. As indicated above, the County would continue to encourage attendees' compliance with the latest public health guidance from the CDC. The next Leon County-sponsored concert at the Capital Cascades Amphitheater is J.J. Grey & Mofro, scheduled for September 10, 2021.

With respect to internal County operations, the Executive Orders do not impact internal guidelines in place for County employees. Consistent with national public health guidance from the CDC, face coverings would still be required for County employees when indoors or when they are unable to maintain physical distance in order to mitigate the spread of COVID-19 in the workplace. Employees would also continue to conduct daily temperature checks and health screening questions prior to the start of the workday. The County Administrator will continue to administer these protocols and make organizational adjustments consistent with CDC guidance; however, the Board may also wish to provide any additional policy direction relative to Phase 3 of the Plan.

*Leon County Face Covering Ordinance:*

Finally, as a result of the Executive Orders, the Ordinance requiring individuals to wear face coverings within a business establishment unless an exception applied is no longer in effect. Accordingly, this item seeks Board consideration to schedule a Public Hearing for June 8, 2021, to consider repealing Ordinance No. 20-15. Notwithstanding this, the County continues to strongly encourage citizens to follow national public health guidance such as wearing masks when indoors, getting vaccinated as soon as possible, and practicing good hygiene. The Executive Orders also do not prevent businesses from instituting public health measures such as physical distancing, temperature screening, mask use, or other practices. Leon County Community & Media Relations will continue to leverage every available communication platform including print media, radio, social media, and television and will continue to engage local media partners to promote critical public health information.

As indicated earlier in this item, Executive Order No. 21-102 prohibits the Board from renewing or enacting a new emergency ordinance to require face coverings or any other protective or mitigative measures related to COVID-19. The Executive Order does not preclude a local government from enacting an ordinance to protect the health safety, and welfare of its population under the "regular enactment procedure" provided under Section 125.66, Florida Statutes, which

generally requires the County to publish a notice of intent to consider such an ordinance in a newspaper of general circulation at least ten days prior to the public hearing at which the ordinance is to be considered. Should local COVID-19 public health conditions significantly deteriorate, and in the event that the Governor does not take further statewide executive action to mitigate those conditions, a future agenda item would be brought back to the Board at the appropriate time with options to address the public health situation locally, which could include adopting an ordinance to protect the health, safety, and welfare of the community under the regular enactment procedure.

**Options:**

1. Direct the County Administrator to implement Phase 3 of the *Leon County COVID-19 Response and Re-opening Plan*.
2. Schedule the first and only Public Hearing to consider repealing Leon County Ordinance No. 20-15 for June 8, 2021.
3. Board direction.

**Recommendation:**

Options #1 and #2

**Attachments:**

1. Executive Order 21-101
2. Executive Order 21-102
3. *Leon County COVID-19 Response and Re-opening Plan*
4. Leon County Amended Emergency Ordinance No. 20-15



# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 21-101

(Invalidating All Remaining Local Emergency Orders Based on the COVID-19 Emergency)

**WHEREAS**, on March 9, 2020, I issued Executive Order 20-52, subsequently extended, declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

**WHEREAS**, the State of Florida led the national effort to distribute COVID-19 vaccines to seniors first and has now provided vaccines to nearly 9 million people; and

**WHEREAS**, every Floridian who desired a vaccine is eligible to obtain one, and Florida now maintains a sufficient supply of COVID-19 vaccines for every eligible Floridian who desires a vaccine to be vaccinated; and

**WHEREAS**, scientific studies show that vaccines protect individuals from COVID-19 and reduce hospitalizations and deaths caused by COVID-19; and

**WHEREAS**, on April 29, 2021, Surgeon General Dr. Scott Rivkees issued a Public Health Advisory (1) stating that continuing COVID-19 restrictions on individuals, including long-term use of face coverings and withdrawal from social and recreational gatherings, pose a risk of adverse and unintended consequences, (2) further expanding vaccine eligibility, and (3) advising government offices to resume in-person operations and services; and

**WHEREAS**, due to the tremendous steps the State has taken to protect Florida's most vulnerable populations and rapidly offer vaccines to every eligible Floridian who desires one, local communities lack justification in continuing to impose COVID-related emergency orders restricting the rights and liberties of their citizens; and

**WHEREAS**, on May 3, 2021, I signed into law SB 2006 – Emergency Management – which provides, effective July 1, 2021, that any emergency order issued by a political subdivision must be narrowly tailored to serve a compelling public health or safety purpose, must be limited in duration, applicability, and scope in order to reduce any infringement on individual rights or liberties to the greatest extent possible, and may be invalidated by the Governor, at any time, if the Governor determines that such order unnecessarily restricts individual rights or liberties; and

**WHEREAS**, it is my determination that the remaining emergency orders issued by the political subdivisions of this State due to the COVID-19 emergency are not narrowly tailored to serve a public health or safety purpose and unnecessarily restrict individual rights and liberties, including the economic and commercial rights and liberties of business owners in this State; and

**NOW, THEREFORE, I, RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order:

Section 1. In order to protect the rights and liberties of individuals in this State and to accelerate the State's recovery from the COVID-19 emergency, any emergency order issued by a political subdivision due to the COVID-19 emergency which restricts the rights or liberties of individuals or their businesses is invalidated.

Section 2. Nothing herein prohibits a political subdivision of the State from enacting ordinances pursuant to regular enactment procedures to protect the health, safety, and welfare of its local population. Only the COVID-19 emergency orders, as defined in SB 2006, enacted prior to July 1, 2021, are hereby invalidated.

Section 3. This order is effective beginning on July 1, 2021 and shall be immediately filed with the Division of Administrative Hearings.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, 3rd day of May, 2021.

  
\_\_\_\_\_  
RON DESANTIS, GOVERNOR

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF STATE

DEPARTMENT OF STATE  
TALLAHASSEE, FL

2021 MAY -3 PM 4:06

FILED

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 21-102

(Suspending All Remaining Local Government Mandates and Restrictions Based on the COVID-19 State of Emergency)

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

**WHEREAS**, on September 25, 2020, I issued Executive Order 20-244, suspending the collection of local fines and penalties associated with COVID-19 regulations upon individuals, and on March 10, 2021, I issued Executive Order 21-65, categorically remitting all fines upon individuals and businesses alike related to local government COVID-19 restrictions; and

**WHEREAS**, on March 29, 2021, the Legislature presented, and I signed into law, SB 72 – Civil Liability for Damages Relating to COVID-19, enacted as Chapter 2021-1, Laws of Florida, which provides crucial liability protection to individuals, businesses, educational institutions, religious organizations, and health care providers for liability claims related to COVID-19; and

**WHEREAS**, on April 27, 2021, I extended the state of emergency initiated by Executive Order 20-52 as necessary to ensure Florida schools remain open for the remainder of the school year, to protect Floridians from being required to produce a so-called vaccine passport as a condition of participating in everyday life, and to implement budgetary response efforts to help Floridians to the greatest extent possible; and

**WHEREAS**, on April 29, 2021, Surgeon General Dr. Scott Rivkees issued a Public Health Advisory (1) stating that continuing COVID-19 restrictions on individuals, including long-term use of face coverings and withdrawal from social and recreational gatherings, pose a risk of



adverse and unintended consequences, (2) further expanding vaccine eligibility, and (3) advising government offices to resume in-person operations and services; and

**WHEREAS**, the State of Florida led the national effort to distribute the vaccine to elderly and vulnerable populations and has provided vaccines to nearly 9 million people; and

**WHEREAS**, every eligible Floridian is now legally permitted to obtain a vaccine, and Florida maintains a sufficient supply for every eligible Floridian who desires a vaccine to be vaccinated; and

**WHEREAS**, scientific studies show that vaccines protect individuals from COVID-19 and reduce hospitalizations and deaths caused by COVID-19; and

**WHEREAS**, the State and the majority of local governments have declined to issue mask mandates; and

**WHEREAS**, a select number of local governments continue to impose mandates and business restrictions, without proper consideration of improving conditions and with no end in sight; and

**WHEREAS**, due to the tremendous steps the State has taken to protect Florida's most vulnerable populations and rapidly offer vaccines to every eligible Floridian who desires one, local communities lack justification in continuing to impose COVID-19 mandates or restrictions upon their citizens; and

**WHEREAS**, with my encouragement, the Florida Legislature passed and I signed SB 2006, a measure designed to curb restrictions and closures of businesses during an extended emergency, to add significant accountability and difficulty for the continuation of any local limitation on the rights or liberties of individuals or businesses, and to declare in no uncertain terms that the policy of the State of Florida will favor a presumption of commercial operation and individual liberty with no toleration for unending and unjustified impediments to that liberty; and

**WHEREAS**, in light of these recently enacted reforms, the widespread vaccination of Florida residents, and the sufficient supply of vaccines for all eligible Florida residents, I find that it is necessary for the State of Florida to enhance its rapid and orderly restoration and recovery from the COVID-19 emergency by preempting and suspending all remaining local emergency restrictions on individuals and businesses and to return day-to-day life back to normal everywhere in the State.

**NOW, THEREFORE, I, RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order:

Section 1. In order to mitigate the adverse and unintended consequences of the COVID-19 emergency and to accelerate the State's recovery, all local COVID-19 restrictions and mandates on individuals and businesses are hereby suspended.

Section 2. This order eliminates and supersedes any existing emergency order or ordinance issued by a county or municipality that imposes restrictions or mandates upon businesses or individuals due to the COVID-19 emergency.

Section 3. For the remaining duration of the state of emergency initiated by Executive Order 20-52, no county or municipality may renew or enact an emergency order or ordinance, using a local state of emergency or using emergency enactment procedures under Chapters 125, 252, or 166, Florida Statutes, that imposes restrictions or mandates upon businesses or individuals due to the COVID-19 emergency.

Section 4. Nothing herein prohibits a political subdivision of the State from enacting ordinances pursuant to regular enactment procedures to protect the health, safety, and welfare of its population. Only orders and ordinances within the scope of Section 1 based on a local state of

emergency or on emergency enactment procedures due to the COVID-19 emergency are hereby eliminated and preempted.

Section 5. This order supersedes Sections 2 and 3 of Executive Order 20-244.

Section 6. This order is effective immediately.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, 3rd day of May, 2021.

  
\_\_\_\_\_  
RON DESANTIS, GOVERNOR

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF STATE

2021 MAY -3 PM 4:06  
DEPARTMENT OF STATE  
TALLAHASSEE, FL

FILED



**LEON COUNTY  
GOVERNMENT**  
People Focused. Performance Driven.

# Leon County COVID-19 Response & Re-opening Plan

A ROADMAP TO PROTECT, MITIGATE, AND RECOVER

CONSISTENT WITH



*Publication Date January 28, 2021*





# Table of Contents

Introduction.....	3
Guiding Documents.....	4
Stakeholder Engagement .....	5
Community Objectives.....	6
Phased Approach.....	7
Gating Criteria .....	8
Face Covering Requirements .....	10
Guidelines for All Phases .....	12
Phase 1 .....	16
Phase 2 (projected).....	20
Phase 3 (projected).....	24

The Leon County Re-opening Plan provides a framework and guidance for the community to both navigate and plan for the phases of re-opening in a manner that minimizes the risk of resurgence and protects the most vulnerable from COVID-19. As part of this phased approach, the Re-opening Plan also details the planned restoration of County services, operations, and facilities for public use which will be achieved as the County organization continues to implement the proper procedures and protocols in its role as an employer. The Leon County Re-opening Plan seeks to provide greater specificity about how the state's plan applies to Leon County individuals and employers, as well as a roadmap of what we might expect over the longer-term as we deal with the health threats and economic disruption of a global pandemic, locally.

The County's Re-opening Plan follows Federal guidance included in the Opening Up America Again guidelines published by the White House Coronavirus Task Force and the Centers for Disease Control and Prevention (CDC), and the Re-Open Florida Task Force Plan for Florida's Recovery. Federal guidelines explicitly call for a phased approach to re-opening using the health-related gating criteria developed by the CDC to be implemented **on a statewide or county-by-county basis at the Governor's discretion**. By Executive Order, Governor DeSantis used his discretion to develop a statewide re-opening plan utilizing

the CDC gating criteria and directed that the "initial Phase 1" of Florida's re-opening begin on May 4, 2020. On May 15, 2020, the Governor initiated the next steps under "full Phase 1".

The County's Re-opening Plan reflects the Governor's Executive Order (#20-123) for full Phase 1 and will be updated to reflect the Governor's future phases. However, given all the uncertainty around COVID 19, this plan includes projections and working assumptions for subsequent phases. These projections and assumptions related to future phases are intended only to help individuals and employers in our community know what we might expect in future phases. Similarly, the protocols and practices within each phase of the plan will be adjusted based upon changing conditions, future Executive Orders by the Governor, and direction from the Leon County Board of County Commissioners.

At the onset of the pandemic and activation of the Leon County Emergency Operations Center, the County's initial objectives focused on slowing the spread of the infection, 'flattening the curve' to ensure our local hospital capacity would not be overwhelmed, and protecting the needs of our most vulnerable populations. This included an aggressive public information campaign, addressing rising food insecurity, activating hospital surge plans, PPE distribution, and standing up test sites. As we transition from strict

physical distancing to a gradual phased re-opening and look ahead, the ongoing emphasis is to minimize the risk of a COVID-19 resurgence in our community. This necessitates a "new normal" for nearly every aspect of our lives including our workplaces, educational institutions, places of worship, and leisure activities.

Over the past two months, our community has continuously demonstrated its vigilance in better understanding the risks associated with the novel virus, adherence for the guidance issued by local health officials, and compliance with the Safer-At-Home orders. COVID-19 and the implementation of the County's phased re-opening plan will undoubtedly alter our daily routines, public interactions, and the appearance of workplaces and employees.

As we transition into re-opening phases across the nation, state and here locally, it is important to note that at the time of this writing there is no vaccine for the virus, and no therapeutic that reduces morbidity. A phased re-opening, guided by health data, will not only help us recover economically, but may provide the time necessary to control spikes, develop a vaccine and scale its production as we continue to protect lives and begin to reset livelihoods.

For future updates to this plan, see [www.LeonCountyFL.gov/COVID19-Reopen](http://www.LeonCountyFL.gov/COVID19-Reopen).

# Guiding Documents

The following documents provide the guidance for the *Leon County COVID-19 Response & Re-opening Plan*. Consistent with federal and state guidance, the County Plan utilizes a phased approach and the CDC gating criteria.

- White House Guidelines for Opening Up America Again
- Governor Ron DeSantis Executive Orders issued in response to COVID-19 (various)
- Safe. Smart. Step-by-Step. Plan for Florida's Recovery. Report to Governor DeSantis from the Re-Open Florida Task Force
- Public Health Principles for Phased Re-opening During Covid-19: Guidance for Governors – John Hopkins Bloomberg School of Public Health, Center for Health Security
- Local declaration of emergency, local orders and relevant County policies



# County's Ongoing Stakeholder Engagement



Leon County Emergency Management's COVID-19 coordinating efforts will continue to utilize an Incident Command Structure to activate and engage critical stakeholders in response, mitigation and recovery efforts in the County and region, including (but not limited to):

- Primary Healthcare (Bond, Neighborhood, TPCA, CHP, Capital Medical Society, pediatrics, other primary providers, etc.)
- Long-Term Care Facilities, Nursing Homes, and Assisted Living Facilities
- Big Bend Community Organizations Active in Disaster (Salvation Army, American Red Cross, etc.)
- First Responders, Paramedics, and Law Enforcement Organizations
- Business and Industry (now transitioned to OEV's Re-Opening Tallahassee-Leon County)
- County / City Incident Command Coordination (with liaisons in the Emergency Operations Center)
- Nearly 200 facilitated phone calls / meetings
- More than 4,000 diverse participants from every discipline
- Homelessness as a Vulnerable Population (Kearney Center, HOPE Community, Big Bend Continuum of Care, etc.)
- Healthcare Surge (TMH, CRMC, Select Specialty, Encompass, FDOH)
- Educational Partners (Leon County Schools, FAMU, FSU, TCC, private schools, etc.)
- Regional Florida Division of Emergency Management
- Statewide Florida Division of Emergency Management
- White House Intergovernmental Affairs (State, Local, and Tribal governments)



# Leon County's Community Objectives for Response & Recovery for COVID-19



Initial objectives were established in February 2020 by Leon County Emergency Management in coordination with the Florida Department of Health and will remain in place until the COVID-19 pandemic is no longer a public health emergency, **conceivably six months to a year or longer.**



Data-driven decision making based on public health benchmarks and trajectories



Slow the spread and mitigate the risk of resurgence of COVID-19 through ongoing planning, coordination, and public health intervention



Protect and preserve the health and safety of vulnerable populations (elderly, homeless, underlying medical conditions, food insecure, etc.)



Locally facilitate and support the State's plan to increase community testing and contact tracing



Support hospitals through healthcare surge planning and resource allocation



Conduct holistic, aggressive public information to educate citizens on public health measures like face mask use, physical distancing, and other resources



Provide State-resourced personal protective equipment to frontline healthcare workers and long-term care facilities



Address rising food insecurity by supporting operations of local and regional food banks and pantries



Re-open in a safe, smart, and measured way in alignment with the State's plan and Governor's Executive Orders



Support communitywide long-term recovery with local, state, and federal resources

# Leon County's Phased Approach

Phase 1

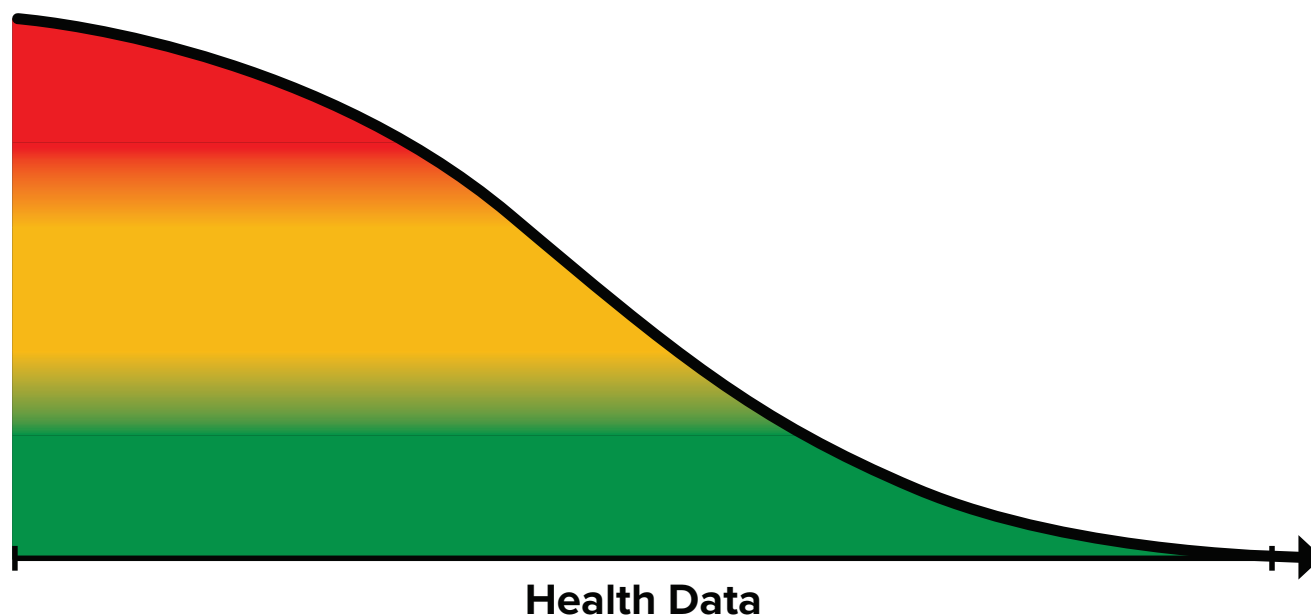
Phase 2

Phase 3



Leon County's *COVID-19 Response & Re-opening Plan* is **consistent with federal and state phasing guidelines**.

Advancement between phases is based on **downward trajectory of public health indicators such as new COVID-19 cases and COVID-like symptoms**.





# Gating Criteria

# Phased Re-opening Guided by Health Data

## State Gating Criteria

The state's gating criteria guide the *Leon County COVID-19 Response & Re-opening Plan*. The state establishes, maintains and determines when the health benchmarks of the Safe. Smart. Step-by-Step Plan are met. These health benchmarks include:

- Maintaining hospital capacity
- Monitoring COVID-19 test positivity rate
- Number of emergency department visits with influenza-like illness
- Number of emergency department visits with COVID-like illness
- Number of documented new COVID-19 cases
- Percentage positive of tested and rate over time

The Guidelines for Opening up America Again and the Safe. Smart. Step-by-Step. Plan for Florida's Recovery provide the gating criteria to be satisfied before proceeding to the phased openings. Leon County's local phasing will reflect determinations made at the State level. The gating criteria are conditioned upon downward trajectories in symptoms and cases along with hospital capacity and testing requirements.







# Face Covering Requirements

# Community Face Covering Requirements

To mitigate the spread of COVID-19 and protect the public health of our community, Leon County approved an emergency ordinance requiring face coverings beginning Thursday, June 25 at 12:01 a.m. As confirmed cases of COVID-19 continue to rise locally and statewide, **the ordinance states that an individual in a business establishment in Leon County must wear a face covering while in that business establishment.**

A **business establishment** means a location with a **roof overhead under which any business is conducted, goods are made or stored or processed or where services are rendered.** The term “business establishment” also includes locations where non-profit, governmental, churches and quasi-governmental entities facilitate public interactions and conduct business, along with passenger vehicles for hire (Uber, Lyft, taxis, etc.), limousines and rental cars. Also, as part of the requirement, **all businesses must post a notice visible to all customers that face coverings are required while indoors.**

For a list of answers to **Frequently Asked Questions** and an example face covering requirement sign for businesses, visit: [LeonCountyFL.gov/ei](https://LeonCountyFL.gov/ei)

**Facial coverings are not required to be worn by the following persons:**

- Persons under the age of six years;
- Persons who have trouble breathing due to a chronic pre-existing condition or individuals with a documented or **demonstrable medical problem.** It is the intent of this provision that those individuals who cannot tolerate a facial covering for a medical, sensory, or any other condition which makes it difficult for them to utilize a facial covering and function in public are not required to wear one;
- **Persons in their private rooms of a lodging establishment,** such as a hotel, motel, or vacation rental—however, face coverings must be worn in all indoor commons areas of said establishment;
- **Persons exercising** while observing at least **six feet of distancing** from another person;
- Restaurant and bar patrons **eating or drinking;**
- Business owners, managers, and employees who are in an area of a business establishment that is not open to customers, patrons, or the public, provided that six feet of distance exists between persons. However, workers preparing food must still wear face coverings.





# **Guidelines for All Phases**

# Community Guidelines for All Phases: Individuals



**Individuals** in the community, throughout all phases of the plan, are encouraged to continue the following practices:

## **Continue to Practice Good Hygiene**

- Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.
- Avoid touching your face.
- Sneeze or cough into a tissue, or the inside of your elbow.
- Disinfect frequently used items and surfaces as much as possible.
- The County's Emergency Face Covering Ordinance does not require persons to wear face coverings while outdoors. However, the County still does strongly encourage residents to wear face coverings when unable to socially distance.

## **People Who Feel Sick Should Stay Home**

- Do not go to work or school.
- Contact and follow the advice of your medical provider.

# Community Guidelines for All Phases: Employers



Leon County **employers** are encouraged to develop and implement appropriate policies, in accordance with Federal, State, and local regulations and guidance, and informed by industry best practices, regarding:

- Social distancing and protective equipment
- Temperature checks
- Testing, isolating, and contact tracing
- Sanitation
- Use and disinfection of common and high-traffic areas
- Business travel

Monitor workforce for indicative symptoms. Do not allow symptomatic people to physically return to work until cleared by a medical provider.

To assist the Florida Department of Health, develop and implement policies and procedures for workforce contact tracing following an employee COVID-positive test.

# Leon County Government: Standard Operating Procedures



As an employer, Leon County Government has implemented organizational policies that conform to CDC and state guidelines based on current conditions. As we move through this event, current policies and practices can be adjusted based upon changing conditions.

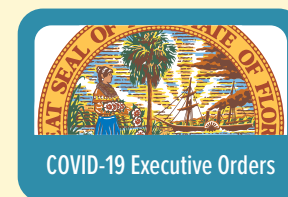
- Arrange and/or limit furniture and seating in gathering spaces per social distancing guidelines (breakrooms, lobbies, conference rooms, etc.)
- Daily temperature checks and screenings for employees upon reporting for work
- Departmental staff shall be responsible for:
  - ▶ Cleaning areas after serving each customer (wipes, hand sanitizer, etc.)
  - ▶ Enhanced cleaning of public spaces in facilities and shared work stations and equipment
- Follow CDC guidance regarding symptomatic employees
- Incorporate engineering controls such as physical barriers where possible
- Informational and directional signage
- Maintain social distancing
- Leon County Government shall comply with the Emergency Face Covering Ordinance.
- Minimize use of shared items (e.g. writing instruments, paper documents, etc.)
- No handshakes, high fives, or other forms of physical contact
- Sanitize fleet vehicles: Drivers wipe down every touch surface when entering the vehicle and when they return it. (CDC Disinfection Protocols & Fleet Policy)



# Phase 1

## A ROADMAP TO PROTECT, MITIGATE, AND RECOVER

CONSISTENT WITH



Under the Governor's Executive Orders (#20-112, 20-120, 20-123) Leon County's Phase 1 guidelines presented here include guidance for individuals, employers, and Leon County Government. The time between phases may be weeks or months based on the health data gating criteria.

# Phase 1:

## Community Individuals and Employers

Consistent with Florida's Safe. Smart. Step-by-Step. Plan for Florida's Recovery and the Governor's COVID-19 Executive Orders, the following guidance applies to **individuals** and **employers** in Leon County as amended May 15, 2020 (EO 20-123):

- Visits to **senior living facilities** prohibited.
- **Vulnerable individuals** should avoid close contact with people outside the home.
- **All individuals**, when in public, should maximize physical distance from others.
- **Avoid socializing** in groups of **more than 10 people** in circumstances that do not readily allow for physical distancing.
- **Face masks** are recommended for face-to-face interactions where social distancing cannot be maintained.
- **Elective surgeries** can resume.
- **Restaurants** may offer outdoor seating with six-foot space between tables and indoor seating at **50% capacity** or a minimum of 6 feet without partitioning.
- **Retail** can operate at **50% of indoor capacity**.
- **Bars** remain **closed**.
- **Gyms** and fitness centers may operate up to **50%** of their occupancy; customers should self-sanitize machines and surfaces after use.
- **Barbershops, cosmetology salons**, and cosmetology specialty salons that adopt appropriate social distancing and precautionary measures as outlined by the Department of Business and Professional Regulation.
- **Schools** remain **distance learning**.
- **Museums** and **libraries** may operate up to **50%** capacity subject to local government approval.
- **Beaches** and **State Parks** are open for **daytime use**.
- **Professional sports** may operate and venues may host training, competitions, events and games.
- **Amusement parks** may submit re-opening plan to the State.
- Requirement to **test all staff at long-term care facilities**.





# Phase 1:

## Leon County Government Organizational Protocols



As an **employer**, all Leon County departments and divisions will follow state and federal guidance of Phase 1.

### ALL DEPARTMENTS AND DIVISIONS:

- Maintain **telecommuting** where possible
- **Stagger shifts** and **lunch breaks**, when feasible, to minimize congregating
- Maintain **online services** and **services by phone**
- Provide services by **appointment** in lieu of walk-in
- Use **Zoom** or **phone conferences** for staff, work group, and advisory committee meetings
- **No non-essential in-person** demonstrations, events, programs, or trainings
- **No non-essential training** and **travel**
- **No volunteers** and **interns** during this phase

During each phase it may be appropriate to open certain County facilities or make additional adjustments to operations. Any decisions should consider the risks of spreading COVID-19, and be made in an effort to mitigate the risk of resurgences, and protect the most vulnerable populations. Prior to re-opening any facilities, plans will be developed to ensure that proper social distancing, personal protective equipment, signage, and sanitation is in place to limit risks.

# Phase 1:

## Leon County Government Services and Programs



### COMMISSION MEETINGS

- Requirement for a **physical quorum** to be present for local government meetings is **suspended**. Local government bodies may utilize communications media technology such as telephonic and video conferencing.

### LIBRARIES

- Continue to offer **telephone** and **online services** and offer **curbside service** for print and media materials at **all branches** on **normal business days** between 9 a.m. – 6 p.m. and at the main library Sunday 1 p.m. – 6 p.m.

### DEVELOPMENT SUPPORT AND ENVIRONMENTAL MANAGEMENT

- Online Services and **by Appointment** – No Walk-ins

County facilities may be identified in multiple phases of the plan, as openings may not occur in the first phase listed. Phasing levels and protocols for each facility will be further defined as appropriate in departmental operational plans.

### PARKS AND RECREATION

- **Open:** Greenways and trails
- **Closed:** Campgrounds, community centers, playgrounds, active recreation, dog parks

### SOLID WASTE

- **Hazardous waste**, tires and yard debris drop off and free mulch pick-up re-open

### VACATION RENTALS

- Counties may seek approval for vacation rentals to operate by submitting a written request and county vacation rental safety plan to the Florida Department of Business and Professional Regulation.

### COMMUNITY AND MEDIA RELATIONS

- General and targeted messaging for phase and audience

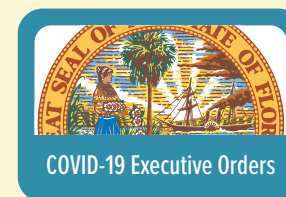
The above policies have been developed to conform to the federal and state guidelines based upon current conditions. As the County moves through each phase, current policies and practices can be adjusted based upon changing conditions.



# Phase 2

A ROADMAP TO PROTECT, MITIGATE, AND RECOVER

CONSISTENT WITH



**[LeonCountyFL.gov/COVID19-Reopen](https://LeonCountyFL.gov/COVID19-Reopen)**

## Phase 2:

# Community Individuals and Employers

Consistent with Florida's Safe. Smart. Step-by-Step. Plan for Florida's Recovery and the Governor's COVID-19 Executive Orders, the following guidance applies to **individuals** and **employers** in Leon County as amended June 3, 2020 (EO 20-139):

- Visits to **senior living facilities** prohibited
- **Vulnerable Individuals** should avoid close contact with people outside the home
- **All individuals** that work in long-term care facilities **should be tested for COVID-19 on a routine basis**
- **All persons** in Florida are encouraged to **avoid congregating in groups larger than 50**
- **Bars, Pubs, Nightclubs** should operate at no more than **50% of building capacity**. On Friday, June 26, by order of the Governor, **the Florida Department of Business and Professional Regulation suspended the sale of alcoholic beverages for consumption on the premises** for all vendors licensed for such sale who derive more than 50 percent of gross revenue from the sale of alcoholic beverages.
- **Restaurants** should operate at no more than **50% of building capacity**
- **Gyms and Fitness Centers** may operate at full capacity with appropriate social distancing
- State park **overnight facilities** to remain closed
- **Large Venues** (movie theaters, concert halls, auditoriums, bowling alleys) should operate at no more than **50% capacity**
- **Retail and Personal Services Businesses** (cosmetology salons, barber shops, nail salons, tattoo parlors and massage establishments) may operate while adhering to guidance from the Florida Department of Health



## Phase 2:

# Leon County Government Services and Programs



As an **employer**, all Leon County departments and divisions will follow state and federal guidance of Phase 2.

### ALL DEPARTMENTS AND DIVISIONS:

- Maintain **telecommuting** where possible
- **Stagger shifts** and **lunch breaks**, when feasible, to minimize congregating
- **Use Zoom or phone conferences** for staff, work group, advisory committee meetings
  - ▶ Identify alternate locations to accommodate larger audiences
- Accommodate **walk-in** clients
- **No non-essential in-person** demonstrations, events, programs, or trainings
- Resume County **sponsorships of certain tourism events** with approved COVID-19 response plans

During each phase it may be appropriate to open certain County facilities or make additional adjustments to operations. Any decisions should consider the risks of spreading COVID-19, and be made in an effort to mitigate the risk of resurgences, and protect the most vulnerable populations. Prior to re-opening any facilities, plans will be developed to ensure that proper social distancing, personal protective equipment, signage, and sanitation is in place to limit risks.

# Phase 2:

## Leon County Government Services and Programs



As an **employer**, all Leon County departments and divisions will follow state and federal guidance of Phase 2.

### COMMISSION MEETINGS

- Requirement for a **physical quorum** to be present for local government meetings is **suspended**. Local government bodies may utilize communications media technology such as telephonic and video conferencing.

### LIBRARIES

- Maintain **curbside service** for print and media materials at **all branches** and continue to offer online services.
- Open with **limited capacity**
- **Programming** and **community rooms** remain closed

### INTERVENTION AND DETENTION ALTERNATIVES

Operations as determined by courts and criminal justice operations:

- Resume **drug and alcohol testing**
- Resume face to face **case management** services

### DEVELOPMENT SUPPORT AND ENVIRONMENTAL MANAGEMENT

- Accommodate **walk-in** clients and continue to offer **online services**

### PARKS AND RECREATION

- **Open:** Greenways and trails, dog parks, campgrounds, cross country, playgrounds, active recreation
- **Closed:** Community centers

### COMMUNITY AND MEDIA RELATIONS

- General and targeted messaging

County facilities may be identified in multiple phases of the plan, as openings may not occur in the first phase listed. Phasing levels and protocols for each facility will be further defined as appropriate in departmental operational plans.

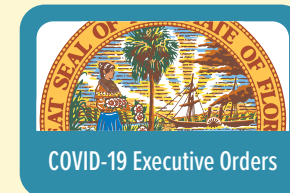
The above policies have been developed to conform to the federal and state guidelines based upon current conditions. As the County moves through each event, current policies and practices can be adjusted based upon changing conditions.



# Phase 3 (PROJECTED)

A ROADMAP TO PROTECT, MITIGATE, AND RECOVER

CONSISTENT WITH



Phase 3 will be implemented under future Executive Orders and possible modifications by the Board. The guidelines presented in **Phase 3** are based on **projected assumptions** of what Phase 3 **may include** in the future. The information is based on what federal and state **future plans** anticipate **might occur**. The time between phases may be **weeks** or **months** based on health data gating criteria.

## Phase 3 : Community Individuals and Employers

With Phase 3, the community will begin the “**new normal**” phase. Phase 3 is based on recommendations of the Re-Open Florida task Force. Phase 3 will be implemented under **future Executive Orders** and **possible modifications** by the Board. The guidelines presented in Phase 3 are based on **projected assumptions** of what Phase 3 **may include in the future** and what the community **might expect**. At the current time, the information is based on what federal and **state future plans anticipate might occur**.

- **Vulnerable Individuals** can resume public interactions but should practice physical distancing and wear face coverings.
- **Non-vulnerable Populations** should consider minimizing time spent in crowded environments
- **Non-Essential Travel** may continue.
- The following establishments should operate at **full capacity** with adequate sanitation practices and limited **social distancing protocols**:
  - ▶ **Bars, Pubs, Nightclubs**
  - ▶ **Restaurants**
  - ▶ **Gyms and Fitness Centers**
  - ▶ **Large Venues** (movie theaters, concert halls, auditoriums, bowling alleys)
  - ▶ Retail and **Personal Services Businesses** (cosmetology salons, barber shops and nail salons)
- **State Parks** will **fully re-open** including overnight accommodations
- **Vacation Rentals** should resume **normal operations**
- **Large Sporting Events** should consider reducing capacity with **limited social distancing protocols**.

\*Phase 3 is based on the recommendations of the Re-open Florida Task Force. Implementation to be determined by future Executive Orders from the Governor and may be modified by the Board.





# Phase 3:

## Leon County Government Services and Programs



With Phase 3, Leon County Government will begin the **new normal** phase which could last **6-months to a year or more**. Phase 3 will be implemented under **future Executive Orders** and **possible modifications** by the Board. The guidelines presented in Phase 3 are based on **projected assumptions** of what Phase 3 **may include in the future** and what the community **might expect**. The information is based on what federal and **state future plans anticipate might occur**.

### COMMISSION MEETINGS

- **Local Government Meetings** should return to **in-person quorum** and public participation with accommodation for vulnerable populations.

### ALL DEPARTMENTS AND DIVISIONS:

- Resume normal operations
- Maintain social distancing measures
- Maintain **telecommuting where appropriate or medically necessary**

During each phase it may be appropriate to open certain County facilities or make additional adjustments to operations. Any decisions should consider the risks of spreading COVID-19, and be made in an effort to mitigate the risk of resurgences, and protect the most vulnerable populations. Prior to re-opening any facilities, plans will be developed to ensure that proper social distancing, personal protective equipment, signage, and sanitation is in place to limit risks.

- **May** hold **concerts** and **events** with restrictions
- Continue to consider **vulnerable populations** when delivering services or planning county sponsored activities and events

### PARKS AND RECREATION

- **Open:** Greenways and trails, dog parks, campgrounds, cross country, playgrounds, active recreation
- **May open:** Community centers with certain public health restrictions

### LIBRARIES

- **Programming** and **community rooms may** re-open with restrictions

### COMMUNITY AND MEDIA RELATIONS

- General and targeted messaging for phase and audience

County facilities may be identified in multiple phases of the plan, as openings may not occur in the first phase listed. Phasing levels and protocols for each facility will be further defined as appropriate in departmental operational plans.

The above policies have been developed to conform to the federal and state guidelines based upon current conditions. As the County moves through each event, current policies and practices can be adjusted based upon changing conditions.



**LEON COUNTY  
GOVERNMENT**

People Focused. Performance Driven.

Visit **LeonCountyFL.gov/COVID19-Reopen**  
for Updates

**LEON COUNTY AMENDED EMERGENCY ORDINANCE NO. 20-15**

**AN EMERGENCY ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING EMERGENCY ORDINANCE NO. 20-15; PROVIDING FOR INCORPORATION OF RECITALS AS LEGISLATIVE FINDINGS; PROVIDING FOR DEFINITIONS; PROVIDING FOR MANDATORY REQUIREMENTS; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR APPLICABILITY AND CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

WHEREAS, the Board of County Commissioners of Leon County, Florida (hereinafter "Board"), finds that COVID-19 presents a danger to the health, safety, and welfare of the public; and

WHEREAS, COVID-19 is spread through airborne transmission from individuals sneezing, speaking, and coughing, and infectious droplet nuclei can spread for a great distance, although how far is not fully understood at present; and

WHEREAS, since April of 2020, the Board has proactively directed the implementation of numerous efforts, including an aggressive communications campaign, to encourage persons in the County to practice social distancing, wash and sanitize their hands, clean high touch surfaces, and wear face coverings as community mitigation strategies to increase containment of COVID-19; and

WHEREAS, Governor DeSantis has issued a series of executive orders to re-open Florida, and some of the restrictions to flatten the curve and slow the spread of COVID-19 have correspondingly been relaxed; and

WHEREAS, the continued operation of businesses providing goods and services is necessary to provide essential goods and services to the public and visitors and to support the local economy; and

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

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

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

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."; and  
21  
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  
41

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  
4

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  
13

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  
20

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:  
29

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.**  
37

- 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

- (ii) Business Establishment. A “business establishment” means a location with a roof overhead under which any business is conducted, goods are made or stored or processed or where services are rendered. The term “business establishment” includes transportation network companies, such as Ubers and Lyft, vehicles operated for mass transit, taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire. The term “business establishment” includes locations where non-profit, governmental, and quasi-governmental entities facilitate public interactions and conduct business. The term “business establishment” also includes places of worship. The term “business establishment” does not include property over which the Leon County School Board has management, control, operation, administration, and supervision.
- (iii) Lodging Establishment. 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 Amended Emergency Ordinance, 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 1 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.**

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

- 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.  
10
- 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.  
16

#### 17 **Section 4. Penalties and Enforcement.**

- 18
- 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.  
26
- 27 (ii) The penalty for a violation of this Amended Emergency Ordinance is:  
28
- 29 a. For a first offense, a fine of \$50.00.  
30
- 31 b. For a second offense, a fine of \$125.00.  
32
- 33 c. For a third and each subsequent offense, a fine of \$250.00.  
34
- 35 d. All other remedies available at law or equity, including injunction, remain available  
36 to the County, even after issuance of a citation.  
37

#### 38 **Section 5. Applicability and Conflict.**

39

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

**Section 6. Severability.**

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

**Section 7. Effective Date.**

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

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



LEON COUNTY, FLORIDA

By: \_\_\_\_\_

Bryan Desloge, Chairman  
Board of County Commissioners

ATTESTED BY:

Gwendolyn Marshall, Clerk of Court  
& Comptroller, Leon County, Florida

By: \_\_\_\_\_

APPROVED AS TO FORM:

Chasity H. O'Steen, County Attorney  
Leon County Attorney's Office

By: \_\_\_\_\_