

MEMORANDUM

TO: Mayor England
Vice Mayor Kostka
Commissioner George
Commissioner Samora
Commissioner Rumrell

FROM: Max Royle, City Manager 

DATE: September 29, 2020

SUBJECT: Addition to Agenda, October 5, 2020, Meeting

Commissioner Samora has suggested that, in light of Executive Order 20-244 that Governor DeSantis issued last Friday, you revisit the City's mask resolution/ordinance and the temporary outdoor seating resolution at your October 5th meeting.

You approved several resolutions and one ordinance related to the pandemic. They are:

- a. Resolution 20-11, to allow a special expedited Covid-19 permit for the creation of additional temporary outdoor seating for restaurants
- b. Resolution 20-13, to strongly recommend indoor use of face coverings
- c. Resolution 20-14, providing for the mandatory use of face coverings
- d. Resolution 20-16, providing for the mandatory use of face coverings
- e. Ordinance 20-07, to require the use of face coverings

A copy of Executive Order 20-244, each resolution and the ordinance are attached.

While EO 20-244 doesn't specially mention face coverings, it does state that the collection of fines and penalties associated with Covid-19 regulations are suspended.

You can keep the mandatory face covering regulations but amend Ordinance 20-07 to remove its penalty provisions.

You may also want to repeal Resolution 20-11, which allows additional temporary outdoor seating for restaurants.

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-244

(Phase 3; Right to Work; Business Certainty; Suspension of Fines.)

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 April 29, 2020, I issued Executive Order 20-112 initiating Phase 1 of the Safe, Smart, Step-by-Step, Plan for Florida's Recovery; and

WHEREAS, on May 14, 2020, I issued Executive Order 20-123 for Full Phase 1; and

WHEREAS, on June 3, 2020, I issued Executive Order 20-139 initiating Phase 2 of the Safe, Smart, Step-by-Step, Plan for Florida's Recovery.

WHEREAS, the State of Florida has suffered economic harm as a result of COVID-19-related closures, exacerbating the impacts of the State of Emergency, and Floridians should not be prohibited by local governments from working or operating a business.

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 Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order:

Section 1. Phase 3

This order supersedes and eliminates any and all restrictions of Executive Orders 20-112, 20-123 and 20-139, as well as Executive Orders 20-192, 20-214 and 20-223, except as modified herein.

Section 2. Right to Work and Operate a Business

No COVID-19 emergency ordinance may prevent an individual from working or from operating a business. This preemption is consistent with Executive Order 20-92.

Section 3. Restaurants

Pursuant to Chapter 252, including sections 252.36(5)(b), (g) and (h), Florida Statutes, and in order to safeguard the economic vitality of this state, any restaurant may operate as set forth below.

A. Restaurants, including any establishment with a food service license, may not be limited by a COVID-19 emergency order by any local government to less than fifty percent (50%) of their indoor capacity. If a restaurant is limited to less than one hundred percent (100%) of its indoor capacity, such COVID-19 emergency order must on its face satisfy the following:

- i. quantify the economic impact of each limitation or requirement on those restaurants; and
- ii. explain why each limitation or requirement is necessary for public health.

B. Nothing in this order preempts or supersedes a non-COVID-19 municipal or county order.

Section 4. Suspension of COVID-19-related Individual Fines and Penalties

This order, consistent with Executive Order 20-92, suspends the collection of fines and penalties associated with COVID-19 enforced upon individuals.

Section. 5 Effective Date

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, this
25th day of September, 2020.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
2020 SEP 25 PM 4: 06
TALLAHASSEE, FLORIDA

CITY OF SAINT AUGUSTINE BEACH

RESOLUTION NO. 20-11

A RESOLUTION BY THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA ALLOWING A SPECIAL EXPEDITED COVID-19 PERMIT FOR THE CREATION OF ADDITIONAL TEMPORARY OUTDOOR SEATING FOR RESTAURANTS

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

WHEREAS, effective on May 4, 2020, the Governor issued Executive Order 20-112 (Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery) which allows on-premises consumption of food and beverage, so long as they adopt appropriate social distancing measures and limit their indoor occupancy to no more than 25 percent of their building occupancy. In addition, outdoor seating is permissible with appropriate social distancing. Appropriate social distancing requires maintaining a minimum of 6 feet between parties, only seating parties of 10 or fewer people and keeping bar counters closed to seating; and

WHEREAS, the Governor convened the Task Force to Re-Open Florida to evaluate how to safely and strategically re-open the State; and

WHEREAS, the Governor's Office of the state of Florida and the Task Force to Re-Open Florida implemented a data-driven strategy which found that outdoor seating was acceptable and incorporated that information into Executive Order 20-112; and

WHEREAS, the path to re-opening Florida and the City of Saint Augustine Beach must promote business operation and economic recovery while maintaining focus on core safety principles.

NOW, THEREFORE, WE, the CITY COMMISSION of the CITY OF SAINT AUGUSTINE BEACH by virtue of its authority vested in it and all other applicable laws, promulgate the following Resolution:

Section 1. Authorization of a special expedited COVID-19 permit for creation of temporary outdoor seating for Restaurants

The City of Saint Augustine Beach authorizes the Director of Building and Zoning to implement a special expedited COVID-19 permit for the creation of additional temporary outdoor seating for restaurants. All normal permitting processes are waived for these special expedited permits. These special expedited permits shall remain in effect for thirty days and would be renewable. Restaurants would be required to acknowledge that they have read and will comply with Executive Order 20-122 and that requirements for the permit could change between each renewal.

Section 2. Fees

The City of Saint Augustine Beach shall waive all fees for the special expedited COVID-19 permit for the creation of temporary additional outdoor seating.

Section 3. Duration

This order shall remain in effect until whichever of these events happens first; the City of Saint Augustine Beach revokes this resolution by resolution, the Governor allows 50% indoor occupancy in restaurants, or December 31, 2020.


Section 4. Effective Date

This order is effective at 11:01 p.m. on May 4, 2020.

PASSED AND ADOPTED by the City of Saint Augustine Beach, Florida on May 4, 2020.


Margaret England, Mayor

ATTEST:


Max Royle, City Manager

APPLICATION FOR ADDITIONAL TEMPORARY OUTDOOR SEATING PERMIT

ESTABLISHMENT NAME: _____

ADDRESS: _____

CONTACT PHONE #: _____

DATE OF SUBMITTAL: _____

WHEREAS, effective on May 4, 2020, the Governor issued Executive Order 20-112 (Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery) which allows on-premises consumption of food and beverage, so long as they adopt appropriate social distancing measures and limit their indoor occupancy to no more than 25 percent of their building occupancy. In addition, outdoor seating is permissible with appropriate social distancing. Appropriate social distancing requires maintaining a minimum of 6 feet between parties, only seating parties of 10 or fewer people and keeping bar counters closed to seating;

Conditions of the permit are as follows:

- 1) A portable fire extinguisher shall be present at the outside area.
- 2) Handicap parking requirements shall be maintained.
- 3) Minimum parking requirements are to be met.
- 4) Bathrooms are to remain accessible during hours of operation.
- 5) No outside music.
- 6) Tent permits are as set forth by the St. Johns County Fire Department (less than 900 square feet does not require a permit however 900 square feet and greater shall require a permit from the St. Johns County Fire Department).
- 7) The City or County reserves the right to have the establishment remove all outside seating granted under this permit in the event Executive Order 20-122 and any subsequent orders are not being adhered to.

An outside table layout shall be provided with this application and location of the fire extinguisher. An onsite inspection shall be performed by the City of St. Augustine Beach Building and Zoning Department prior to permit issuance.

Total proposed outside seating: _____

Total indoor seating (25% of Building occupancy): _____

Total Seating: _____

I have read and will comply with Executive Order 20-122: _____ date: _____

This space for City of St. Augustine Beach Use Only

Parking Spots Required _____ Accessible parking spaces required as per the 2017 FBC: _____

Building and Zoning Director Approval: _____ date: _____

RESOLUTION NO. 20-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA PROVIDING FOR STRONGLY RECOMMENDED INDOOR USE OF FACE COVERINGS IN RESPONSE TO CONTINUED SPREAD OF CORONAVIRUS DISEASE 2019.

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning Coronavirus Disease 2019 ("COVID-19"); and

WHEREAS, the United States Centers for Disease Control and Prevention ("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. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths) the CDC therefore 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"; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51 declaring a Public Health Emergency in the State of Florida due to the spread of COVID-19 and subsequently, Governor Ron DeSantis issued multiple additional executive orders extending the Public Health Emergency and coordinating a multi-phase plan for protecting the public from COVID-19; and

WHEREAS, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in St. Johns County and the City of St. Augustine Beach has increased significantly, which increase may result in additional deaths; and

WHEREAS, on March 17, 2020 the St. Johns County Board of County Commissioners issued Emergency Proclamation Number 2020-1 declaring a local state of emergency in response to a county-wide threat from COVID-19, which Proclamation has been extended numerous times, and entered into an agreement in support of the "Pledge St. Johns County" which promotes following the CDC guidelines; and

WHEREAS, on June 26, 2020, the City of Saint Augustine passed resolution 2020-22 which provides for mandatory indoor use of face coverings; and

WHEREAS, pursuant to Sec. 252.38, Florida Statutes, power is vested in both municipalities and counties and the City of Saint Augustine Beach is required to coordinate with Saint Johns County to enact emergency orders; and

Section 3. Exceptions.

Nothing herein shall require the wearing of face coverings by the following people:

- a. Persons under the age of five years; and
- b. Persons observing social distancing in accordance with CDC guidelines; and
- c. Persons for whom a face covering would cause impairment due to an existing health condition; and
- d. Persons working in a business or profession who do not have interactions with other persons; and
- e. Persons working in a business or profession who maintain social distancing from another person; and
- f. Persons working in a business or profession where use of a face covering would prevent them from performing the duties of the business or profession, especially if the wearing of a face covering may present a health hazard such as excessive heat; and
- g. Persons exercising, while maintaining social distancing; and
- h. Persons eating or drinking; and
- i. Public safety, fire and other life safety and health care personnel, as their personal protective equipment requirements will be governed by their respective agencies; and
- j. The requirement shall not apply when a person who is hearing impaired needs to see the mouth of someone wearing a face covering to communicate; and
- k. The requirement does not apply to any outdoor activity allowed under City, County, or State order, but face coverings should be readily available when coming within six (6) feet of an individual not part of a person's immediate family or cohabitating living unit.

Section 4. Effective Date; Expiration Date.

- a. This Resolution shall become effective on July 3, 2020, at 12:01 AM.

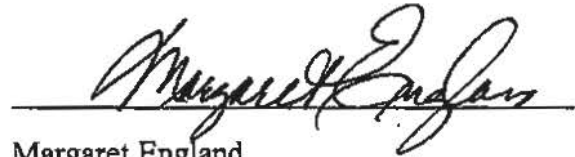
- b. This Resolution shall remain in effect in the City of St. Augustine Beach for so long as a state of emergency is in effect or unless otherwise modified or repealed.

ADOPTED in Emergency Session of the City Commission of the City of Saint Augustine Beach, Florida this 2nd day of July 2020.

ATTEST



Max Royle
City Manager



Margaret England
Mayor-Commissioner

(SEAL)



RESOLUTION NO. 20-14

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
ST. AUGUSTINE BEACH, FLORIDA PROVIDING FOR
MANDATORY USE OF FACE COVERINGS IN RESPONSE TO
CONTINUED SPREAD OF CORONAVIRUS DISEASE 2019.**

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning Coronavirus Disease 2019 ("COVID-19"); and

WHEREAS, the United States Centers for Disease Control and Prevention ("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. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths) the CDC therefore 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"; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51 declaring a Public Health Emergency in the State of Florida due to the spread of COVID-19 and subsequently, Governor Ron DeSantis issued multiple additional executive orders extending the Public Health Emergency and coordinating a multi-phase plan for protecting the public from COVID-19; and

WHEREAS, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in St. Johns County and the City of St. Augustine Beach has increased significantly, which increase may result in additional deaths; and

WHEREAS, on March 17, 2020 the St. Johns County Board of County Commissioners issued Emergency Proclamation Number 2020-1 declaring a local state of emergency in response to a county-wide threat from COVID-19, which Proclamation has been extended numerous times, and entered into an agreement for the "Pledge St. Johns County" which promotes following the CDC guidelines; and

WHEREAS, on June 26, 2020, the City of St. Augustine passed resolution 2020-22 which provides for mandatory indoor use of face coverings; and

WHEREAS, pursuant to Sec. 252.38, Florida Statutes, power is vested in both municipalities and counties and the City of St. Augustine Beach is required to coordinate with St. Johns County to enact emergency orders; and

Section 3. Exceptions.

Nothing herein shall require the wearing of face coverings by the following people:

- a. Persons under the age of five years; and
- b. Persons observing social distancing in accordance with CDC guidelines; and
- c. Persons for whom a face covering would cause impairment due to an existing health condition; and
- d. Persons working in a business or profession who do not have interactions with other persons; and
- e. Persons working in a business or profession who maintain social distancing from another person; and
- f. Persons working in a business or profession where use of a face covering would prevent them from performing the duties of the business or profession, especially if the wearing of a face covering may present a health hazard such as excessive heat; and
- g. Persons exercising, while maintaining social distancing; and
- h. Persons eating or drinking; and
- i. Public safety, fire and other life safety and health care personnel, as their personal protective equipment requirements will be governed by their respective agencies; and
- j. The requirement shall not apply when a person who is hearing impaired needs to see the mouth of someone wearing a face covering to communicate; and
- k. The requirement does not apply to any outdoor activity allowed under City, County, or State order, but face coverings should be readily available when coming within six (6) feet of an individual not part of a person's immediate family or cohabitating living unit.

Section 4. Enforcement.

Pursuant to Sec. 252.46, Florida Statutes, this Resolution shall have the full force and effect of law, and pursuant to Chapter 1, Section 1-9 of the Code of the City of St. Augustine Beach, a violation of this Resolution shall be a non-criminal civil infraction, enforceable under Chapter 1, Section 1-9, of the City Code, which carries a penalty of up to a \$500.00

fine. First violation is \$50.00. Second violation is a \$250.00 fine. Following violations will be \$500.00 per violation.

Section 5. Effective Date; Expiration Date.

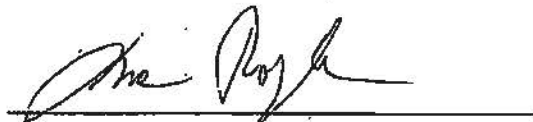
- a. This Resolution shall become effective on July 7, 2020, at 12:01 AM.
- b. This Resolution shall remain in effect in the City of St. Augustine Beach for so long as a state of emergency is in effect or unless otherwise modified or repealed.

Section 6. Ratification by St. Johns County.

This resolution serves as formal notice to St. Johns County that the City of St. Augustine Beach is enacting this Emergency Order to regulate the wearing of facial coverings during the current emergency. The City of St. Augustine Beach formally requests that St. Johns County coordinate with the goals of this Resolution and ratify this Resolution at its quickest opportunity.

ADOPTED in Emergency Session of the City Commission of the City of St. Augustine Beach, Florida this 6th day of July 2020.

ATTEST

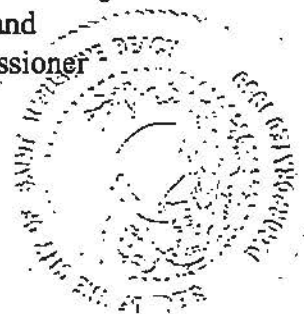


Max Royle
City Manager

(SEAL)



Margaret England
Mayor-Commissioner



RESOLUTION NO. 20-16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA PROVIDING FOR MANDATORY USE OF FACE COVERINGS IN RESPONSE TO CONTINUED SPREAD OF CORONAVIRUS DISEASE 2019.

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning Coronavirus Disease 2019 ("COVID-19"); and

WHEREAS, the United States Centers for Disease Control and Prevention ("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. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths) the CDC therefore 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"; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51 declaring a Public Health Emergency in the State of Florida due to the spread of COVID-19 and subsequently, Governor Ron DeSantis issued multiple additional executive orders extending the Public Health Emergency and coordinating a multi-phase plan for protecting the public from COVID-19; and

WHEREAS, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in St. Johns County and the City of St. Augustine Beach has increased significantly, which increase may result in additional deaths; and

WHEREAS, on March 17, 2020 the St. Johns County Board of County Commissioners issued Emergency Proclamation Number 2020-1 declaring a local state of emergency in response to a county-wide threat from COVID-19, which Proclamation has been extended numerous times, and supports the "Pledge St. Johns County" which promotes following the CDC guidelines; and

WHEREAS, on June 26, 2020, the City of Saint Augustine passed resolution 2020-22 which provides for mandatory indoor use of face coverings; and

WHEREAS, pursuant to Sec. 252.38, Florida Statutes, power is vested in both municipalities and counties and the City of Saint Augustine Beach is required to coordinate with Saint Johns County to enact emergency orders; and

WHEREAS, the City Commission for the City of St. Augustine Beach recognizes that face coverings are only a component of reducing the spread of COVID-19, other components include frequent hand washing, proper social distancing, and any other components the CDC has implemented for the reducing the spread of COVID-19; and

WHEREAS, the City Commission for the City of St. Augustine Beach finds that it is in the best interest of public health, safety, and general welfare that the following be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

WHEREAS, the City of St. Augustine Beach passed on first reading an ordinance creating Chapter 13-Article I, Section 13-6 of the Code of Ordinances of the City allowing for the requiring of facial coverings in response to epidemics and should this ordinance be enacted a resolution is required to incorporate the specific requirements of this portion of the Code in the current COVID-19 epidemic.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA:

Section 1. City Acknowledgement. It is the decision of the City Commission of the Saint Augustine Beach that Chapter 13-Article I, Section 13-6 of the Code of Ordinances of the City be invoked because of the COVID-19 epidemic.

Section 2. Face Coverings Required. In the following situations, the City of Saint Augustine Beach finds:

- a. Every person working, living, visiting, or doing business in the City of St. Augustine Beach shall wear a face covering in any indoor location, other than their home or residence, when not maintaining social distancing from another person(s), excluding family members or companions.
- b. 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.
- c. All businesses are encouraged to prohibit entry of any person who is not wearing a face covering with the exception of those below listed persons.
- d. If a permit is issued for an outdoor event by the City of Saint Augustine Beach greater than or equal to fifty (50) persons, that permit shall require wearing the face coverings as condition of issuance of the permit and those that attend are required to conform to this resolution.

Section 3. Exceptions.

Nothing herein shall require the wearing of face coverings by the following people:

- a. Persons under the age of five years; and
- b. Persons observing social distancing in accordance with CDC guidelines; and
- c. Persons for whom a face covering would cause impairment due to an existing health condition; and
- d. Persons working in a business or profession who do not have interactions with other persons; and
- e. Persons working in a business or profession who maintain social distancing from another person; and
- f. Persons working in a business or profession where use of a face covering would prevent them from performing the duties of the business or profession, especially if the wearing of a face covering may present a health hazard such as excessive heat; and
- g. Persons exercising, while maintaining social distancing; and
- h. Persons eating or drinking; and
- i. Public safety, fire and other life safety and health care personnel, as their personal protective equipment requirements will be governed by their respective agencies; and
- j. The requirement shall not apply when a person who is hearing impaired needs to see the mouth of someone wearing a face covering to communicate; and
- k. The requirement does not apply to any outdoor activity allowed under City, County, or State order, but face coverings should be readily available when coming within six (6) feet of an individual not part of a person's immediate family or cohabitating living unit.

Section 4. Enforcement.

Pursuant to Chapter 13 – MISCELLANEOUS PROVISIONS, Article I, Section 13-6 of the Code of Ordinances of the City, this Resolution shall have the full force and effect of law, and pursuant to Chapter 1, Section 1-9 of the Code of the City of Saint Augustine Beach, a violation of this Resolution shall be a non-criminal civil infraction,

enforceable under Chapter 1, Section 1-9, of the City Code, which carries a penalty of up to a \$500.00 fine. First violation is a \$50.00 fine. Second violation is a \$250.00 fine. Following violations will be \$500.00 per violation.

Section 5. Effective Date; Expiration Date.

- a. This Resolution shall become effective on August 4, 2020, at 12:01 AM.
- b. This Resolution shall remain in effect in the City of St. Augustine Beach until such time as the City Commission by resolution decides that facial coverings shall not be required, emergency is no longer declared by the Federal, State, and County government, or a sunset clause of December 31, 2020.

ADOPTED in Emergency Session of the City Commission of the City of Saint Augustine Beach, Florida this 27th day of July 2020.

ATTEST



Max Royle, City Manager



Margaret England, Mayor

(SEAL)

ORDINANCE NO. 20-07

AN ORDINANCE OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA, MAKING FINDINGS OF FACT; ADDING TO THE CITY'S CODE OF ORDINANCES SECTION 13-6 TO REQUIRE THE USE OF FACE COVERINGS; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WITNESSETH:

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning Coronavirus Disease 2019 ("COVID-19"); and

WHEREAS, the United States Centers for Disease Control and Prevention ("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. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths) the CDC therefore 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"; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51 declaring a Public Health Emergency in the State of Florida due to the spread of COVID-19 and subsequently, Governor Ron DeSantis issued multiple additional executive orders extending the Public Health Emergency and coordinating a multi-phase plan for protecting the public from COVID-19; and

WHEREAS, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in St. Johns County and the City of St. Augustine Beach has increased significantly, which increase may result in additional deaths; and

WHEREAS, on March 17, 2020 the St. Johns County Board of County Commissioners issued Emergency Proclamation Number 2020-1 declaring a local state of emergency in response to a county-wide threat from COVID-19, which Proclamation has been extended numerous times, and supports the "Pledge St. Johns County" which promotes following the CDC guidelines; and

WHEREAS, on June 26, 2020, the City of Saint Augustine passed resolution 2020-22 which provides for mandatory indoor use of face coverings; and

WHEREAS, the City Commission for the City of St. Augustine Beach recognizes that face coverings are only a component of reducing the spread of COVID-19 and other infectious diseases, other components include frequent hand washing, proper social distancing, and any other components the CDC has implemented for the reducing the spread of COVID-19 and other infectious diseases; and

WHEREAS, the City Commission for the City of St. Augustine Beach finds that it is in the best interest of public health, safety, and general welfare that the following be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SAINT AUGUSTINE BEACH, FLORIDA:

SECTION 1. The foregoing recitals are incorporated as legislative findings of fact.

SECTION 2. From and after the effective date of this ordinance, Chapter 13 – MISCELLANEOUS PROVISIONS, Article I, Section 13-6 of the Code of Ordinances of the City is added as follows:

Sec. 13-6. – Requirement to Wear Facial Coverings during a declared epidemic emergency.

a) Definitions:

- i. Epidemic Emergency shall mean a state of emergency declared at the Federal, State of Florida, or County of Saint Johns level in response to an amount of disease in the community above what is normally expected in that population.
- ii. Face Covering shall mean a uniform piece of material that securely covers a person's nose and mouth which remains affixed in place without the use of one's hands. Types of coverings include a face mask, homemade mask, or other covering, such as a scarf, bandana, handkerchief, or other similar cloth covering or shields (which may be made of plastic, polymer, or other similar materials).
- iii. Social Distancing shall mean keeping space between yourself and other people by staying at least six (6) feet (about 2 arms' length) from other people.
- iv. Companion shall mean a person by whom you are accompanied.

- b) Whenever an epidemic emergency is declared at either the Federal, State, or County level for the City of Saint Augustine Beach, the City Commission may adopt by resolution requirements to wear facial coverings. The resolution may make reasonable regulation as to when and where facial coverings shall be worn.
- c) 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.
- d) Enforcement. Pursuant to Sec. 252.46, Florida Statutes, this Resolution shall have the full force and effect of law, and pursuant to Chapter 1, Section 1-9 of the Code of the City of Saint Augustine Beach, a violation of this Resolution shall be a non-criminal civil infraction, enforceable under Chapter 1, Section 1-9, of the City Code, which carries a penalty of up to a \$500.00 fine. The City Commission may set by resolution a scale of the penalties which may include warnings.

(Ord. No. 20-07)

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the City of Saint Augustine Beach Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Saint Augustine Beach, Florida this 27th day of July 2020.

ATTEST:


BEVERLY RADDATZ, CITY CLERK


MARGARET ENGLAND, MAYOR

EXAMINED AND APPROVED by me this 27TH day of July 2020.

First reading: July 6, 2020

Second reading: July 27, 2020