



**EMERGENCY ORDER NUMBER 2021-002
PALM BEACH COUNTY COVID-19
EXTENSION OF FACIAL COVERINGS DIRECTIVE**

WHEREAS, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare, and safety of the people of Palm Beach County; and

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

WHEREAS, on March 13, 2020, pursuant to Section 252.38(3)(a)(5), Florida Statutes, Palm Beach County declared a local State of Emergency due to the Coronavirus pandemic, which has since been extended in accordance with applicable law; and

WHEREAS, on March 24, 2020, Governor Ron DeSantis also issued Executive Order 20-83 directing the State Surgeon General and the State Health Officer to issue a public health advisory for senior persons and persons that have a serious underlying medical condition that places them at a high risk of severe illness from COVID-19 to stay at home. Such conditions include, but are not limited to, chronic lung disease or moderate to severe asthma, serious heart conditions, immunocompromised status, including those in cancer treatment, and severe obesity; and

WHEREAS, Governor Ron DeSantis has issued a number of subsequent Executive Orders in response to the COVID-19 pandemic, including Executive Order 20-112, a Phase 1: Safe Smart Step-by-Step Plan for Florida's Recovery, under which the Governor re-opened certain businesses, and Executive Order 20-120 which, among other things, served to include Palm Beach County under Phase 1, and Executive Order 20-123, in which the Governor extended and brought all Florida counties into Full Phase 1; and

WHEREAS, Palm Beach County operated under Phase 1 from May 11, 2020 to September 4, 2020, in accordance with Executive Orders 20-120, 20-123 and Order 20-139, and on September 3, 2020, Governor Ron DeSantis authorized Palm Beach County to move to Phase 2 of the *Safe. Smart. Step-by-Step. Plan for Florida's Recovery*; and

WHEREAS, the County Administrator determined that it was necessary and appropriate to issue an emergency order authorizing additional business re-openings in accordance with the

direction of Governor DeSantis and Step 1 of the *Incremental Phase 2 Re-Opening Plan* and Emergency Order 2020-024 was issued for that purpose on September 4, 2020; and

WHEREAS, on September 25, 2020, Governor DeSantis issued Executive Order 20-244 moving all of Florida's counties into Phase 3. This order authorized all businesses to be open with minimal restrictions; and

WHEREAS, in response to the Governor's Executive Order 20-244, the County Administrator, on September 29, 2020, issued Emergency Order 2020-028 repealing all prior emergency orders with the exception of Orders 2020-012 (facial coverings) and 2020-017 (enforcement). Order 2020-028 allowed all businesses and establishments to reopen with adherence to the facial covering order, social distancing, and enhanced cleaning protocols, and indicated that pursuant to Governor DeSantis' Executive Order 20-244, COVID-19 related collection of fines and penalties upon individuals is suspended; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has affirmed that cloth face coverings are a critical tool in the fight against COVID-19, citing increased evidence that cloth face coverings help prevent people who have COVID-19 from spreading the virus to others and evidence that masks also help reduce the inhalation of virus-laden droplets by the wearer; and

WHEREAS, the CDC continues to recommend the use of face coverings, the practice of social distancing, and enhanced cleaning and disinfection to prevent COVID-19 spread; and

WHEREAS, the County Administrator issued Emergency Order 2020-012, **Additional Directive on Wearing of Facial Coverings**, on June 24, 2020 mandating the wearing of facial coverings in all businesses, establishments, and in public spaces. The order also required retail establishments and restaurants to post signage containing information regarding sanitization, social distancing, and facial covering requirements. This order, as extended, will expire on February 19, 2021 at 12:01 a.m., unless further extended; and

WHEREAS, considering the most current data on COVID-19 spread in Palm Beach County and throughout the nation, the County's Phased Restart Resurgence Indicators, the CDC recommendations on wearing of facial coverings, and the reopening of all Palm Beach County businesses, establishments, and public schools, the County Administrator has determined that it is in the best interest of the County to protect the health, safety, and welfare of its residents and visitors at this time to extend Emergency Order Number 2020-012 as set forth herein.

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to Palm Beach County Code Chapter 9, Article II, Section 9-35, as well as the authorities granted to me by Declaration of Emergency issued by Governor DeSantis in Executive Order 20-52, by Chapter 252, Florida Statutes, by the Board of County Commissioners, by the Palm Beach County Comprehensive Emergency Management Plan, and as otherwise provided by law, I hereby order as follows:

1. **Recitals.** The foregoing recitals are hereby incorporated herein by reference.

- 2. **Extension.** Executive Order 2020-012 is hereby extended until 12:01 a.m. on March 19, 2021.
- 3. **Conflicts.** Any provision(s) within this Order that conflict(s) with any state or federal law or constitutional provision, or conflict(s) with, or are superseded by, a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Order. The provisions of this Order shall supersede the specific provisions of any previously issued County Emergency Order that is contrary to or in conflict with this Order.
- 4. **Effective Date.** This Order shall be effective as of 12:01 a.m. on February 19, 2021.

PALM BEACH COUNTY

APPROVED AS TO
LEGAL SUFFICIENCY

By: 
County Administrator

By: Denise Marie Nieman
County Attorney

2/18/21
Date

ATTEST
CLERK & COMPTROLLER

By: 