

Resolution 2020 - ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS RELATED TO COVID-19 URGING THE USE OF FACE COVERINGS WHILE INDOORS WHEN SOCIAL DISTANCING IS NOT POSSIBLE AND OTHER COMMON SENSE STRATEGIES TO STEM THE CONTAGION.

WHEREAS, on March 1, 2020, the Governor issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency, and accordingly, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of the COVID-19 virus; and

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 the COVID-19 virus, which state of emergency has been extended in sixty-day increments in accordance with law; and

WHEREAS, on March 16, 2020, Flagler County declared a local state of emergency due to the impacts of COVID-19, and has continued to renew that declaration on a weekly basis; and

WHEREAS, on April 29, 2020 the Governor issued Executive Order 20-112 implementing Phase 1 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery, for the majority of Florida's counties, effective May 4, 2020; and

WHEREAS, on June 3, 2020 the Governor issued Executive Order 20-193 implementing Phase 2 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery, for the majority of Florida's counties, effective June 5, 2020; and

WHEREAS, on June 20, 2020 the Florida Department of Health issued a Public Health Advisory outlining the need for individuals to wear face coverings in any setting where social distancing is not possible; and

WHEREAS, according to Florida Department of Health data, in the three weeks preceding July 9, 2020, the percentage of individuals who tested positive for the virus in Flagler County has increased 213%, from 214 to 456 cases, and the positivity rate of those tested has increased in the same time period from less than 1% to 6.7%; and

WHEREAS, hospitalizations related to COVID-19 has increased significantly in our community, including patients in the ICU, and statewide, hospitalizations related to the virus has increased 13%; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) recommends the use of facial coverings to reduce the spread of COVID-19; and

WHEREAS, according to the Department of Health Officer Robert Snyder, studies demonstrate that countries which mandated facial coverings to decrease infection by blocking the spread of respiratory droplets saw a significantly lower per capita mortality rate associated with COVID-19; and

WHEREAS, the Florida Medical Association President Ronal L. Giffler, MD, JD, MBA, has issued a statement urging Floridians to use face coverings to prevent the further spread of COVID-19, and further calling on local officials to adopt regulations requiring the use of masks in public places, specifically stating, “[t]he science is clear. Asymptomatic infected individuals can release aerosol particles while breathing and speaking. Not wearing a mask or face covering increases exposure, whereas universal masking greatly reduces the spread of viral particles. The message is simple: For the sake of your health and the health of everyone around you, Florida’s doctors want you to wear a mask.”; and

WHEREAS, on June 22, 2020, after Florida reported more than 4,000 new cases of COVID-19 in a single day, State Surgeon General Scott Rivkees issued an additional public health advisory recommending people wear face coverings in any setting where social distancing is not possible, stating that “all individuals [should] refrain from participation in social or recreational gatherings of more than 50 people” and in smaller crowds “practice social distancing by maintaining a distance of at least six feet from each other and wear a face covering.”; and

WHEREAS, the CDC recommends only simple, inexpensive cloth face coverings for the general population and not surgical masks, which are critical supplies

WHEREAS, the County recognizes that mask mandates are impossible to effectively and consistently enforce and that passing an emergency order that cannot be enforced would undermine the legitimacy of future emergency orders of the County in this and other emergencies; and

WHEREAS, this public health emergency requires the public to be caring citizens and to contribute to the solution for the sake of our community and those we love; and

WHEREAS, the minor inconvenience of wearing a face covering as described herein is greatly outweighed by the public health benefit, and without a healthy community, the County cannot have a healthy economy.

NOW, THEREFORE, BE IT RESOLVED, by the Flagler County Board of County Commissioners, Florida

Section 1. Flagler County emphatically urges all persons to wear face coverings when in

indoor locations open to the public or when unable to maintain social distancing from other persons outdoors, excluding household members.

Section 2. Consistent with the CDC Guidelines, the County recognizes that there are certain persons for whom, or situations in which, face covering is impossible, impractical, or unnecessary, including the following:

- a. By young children;
- b. By persons for whom face coverings would cause impairment due to an existing health condition or for any person when contrary to medical advice;
- c. By persons working in a business or profession who do not have interactions with other persons or who do interact but at a safe distance;
- d. By persons working in a business or profession where the use of a face covering would prevent them from performing the duties of the business or profession;
- e. By persons engaging in exercise or sporting activities;
- f. By persons eating or drinking;
- g. By public safety and health care personnel, following guidelines determined by their respective business or agency;
- h. By persons communicating with a person who is hearing-impaired that requires to see the mouth of someone they are communicating with; and
- i. In a manner or situation that would conflict with the American with Disabilities Act (ADA) or other law.

Section 3. Flagler County endorses and strongly encourages all persons to follow the current face covering and social distancing CDC COVID-19 Guidelines. Flagler County also urges residents as a civic duty to engage in common sense activities to slow the spread of the virus including by:

- a.) Getting enough rest and eating a nutritious diet to strengthen their immune systems;
- b.) Frequently washing hands;
- c.) Covering the face when coughing or sneezing;
- d.) Staying home when sick; and
- e.) Being tested for the virus, available at no charge, for anyone who suspects he/she may have contracted or been exposed to the virus.

Section 4. This Resolution shall take effect upon adoption.

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DONE AND ADOPTED, this 13th day of July 2020, by the Flagler County Board of County Commissioners.

David C. Sullivan, Chair

ATTEST:

Tom Bexley, Clerk of the Circuit Court and Comptroller

Approved as to Form:

Al Hadeed, County Attorney

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