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
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.

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

Section 1. Definitions.

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).

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.

Companion shall mean a person by whom you are accompanied.

Section 2. Face Coverings Required.

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 St. 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 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

Margaret England  
Mayor-Commissioner

(SEAL)