



CITY OF TAMPA

— OFFICE OF THE MAYOR —

Jane Castor, Mayor

EXECUTIVE ORDER 2020-42

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

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52, declaring a State of Emergency for the State of Florida, extending to all sixty-seven (67) counties, including Hillsborough County and the City of Tampa, due to COVID-19, which Executive Order Number 20-52 was extended for an additional sixty (60) days on May 8, 2020, by Executive Order Number 20-114, and for another sixty(60) days on July 7, 2020 by Executive Order Number 20-166; and

WHEREAS, between March 17, 2020 and the date hereof, Governor Ron DeSantis issued several Executive Orders placing numerous restrictions on individuals and businesses, including issuance of Executive Order Number 20-91 on April 1, 2020, (as amended) imposing a state-wide “Safer-At Home” Order, in response to the state-wide threat of the spread of COVID-19 virus; and

WHEREAS, on April 29, 2020, Governor Ron DeSantis issued Executive Order Number 20-112, the Governor’s Plan for Florida’s Recovery, as amended by Executive Order Number 20-120 on May 9, 2020, and Executive Order Number 20-123 on May 14, 2020, in response to the recommendations set forth in Phase 1 of the plan issued by the Task Force to Re-Open Florida, and adopted a phased approach to remove or decrease certain restrictions imposed pursuant to the Executive Order Number 20-91, Safer-At-Home Order; and

WHEREAS, on June 3, 2020, Governor Ron DeSantis issued Executive Order Number 20-139, the Governor’s Plan for Florida’s Recovery, moving all counties in Florida, other than Miami-Dade, Broward and Palm Beach Counties, into Phase 2 of the plan issued by the Task Force to Re-Open Florida, which Order supersedes Executive Order Number 20-91, the Safer at Home Order, and supersedes in part, and extends and modifies other provisions of Executive Order Number 20-112; and

WHEREAS, on March 12, 2020, the **Hillsborough County Emergency Policy Group (“EPG”)** issued an Executive Order declaring a local state of emergency in response to a county-wide threat from COVID-19, which Order has been extended numerous times and remains in effect; and

WHEREAS, based on information and data submitted to the EPG by the Hillsborough County Department of Health and other public health experts, the number of confirmed cases of COVID-19 in Hillsborough County, and in particular in the City of Tampa, has increased significantly since additional re-openings were authorized on June 5, 2020 under Phase 2 of the Governor’s Plan for Florida’s Recovery, which increase has resulted in increased hospitalizations and many additional deaths; 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)”; and

WHEREAS, 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 June 22, 2020, the State of Florida Department of Health, by and through the State Surgeon General/State Health Officer, issued a Public Health Advisory declaring that “All individuals in Florida should wear face coverings in any setting where social distancing is not possible”, subject to limited exceptions; and

WHEREAS, the information and advice provided to the EPG on June 22, 2020 and at subsequent meetings, from various medical and health care professionals, included data that led them to conclude that the number of confirmed cases of COVID-19 in Hillsborough County, and in particular in the City of Tampa, would continue to increase exponentially if additional mitigation measures to stop or slow the spread of COVID-19 were not instituted, and that face coverings, in particular, would significantly reduce the spread of infection; and

WHEREAS, on June 22, 2020, the Hillsborough County EPG issued an Executive Order requiring the wearing of protective face coverings, under certain circumstances, and subject to specific exceptions described therein, which Order has been amended and extended several times, and which Order acknowledged that municipalities within Hillsborough County may impose more stringent standards; and

WHEREAS, Chapter 252, Florida Statutes, and Sec. 2-403, City of Tampa Code, authorize the Mayor to take whatever prudent action is necessary to ensure the health, safety and welfare of the community during a state of emergency; and

WHEREAS, on March 12, 2020, pursuant to Section 2-402 of the City of Tampa Code, as **Mayor of the City of Tampa**, I issued City of Tampa Executive Order 2020-01 declaring that a state of local emergency has occurred in the City of Tampa in response to a city-wide threat of the spread of COVID-19, which state of local emergency was re-declared by City of Tampa Executive Order 2020-02 on March 16, 2020, and which Order has been extended numerous times and remains in effect; and

WHEREAS, on June 19, 2020, the City of Tampa issued Executive Order 2020-27, requiring every person working, living, visiting or doing business in the City of Tampa to wear face coverings, under certain circumstances, and subject to specific exceptions described therein; and

WHEREAS, in order to be consistent with amendments to the EPG Executive Order, and to further address the requirements, conditions and exceptions for wearing face coverings, it was necessary to revise and replace City of Tampa Executive Order 2020-27 in its entirety with City of Tampa Executive Order 2020-30 on June 24, 2020; and

WHEREAS, on July 2, 2020, the U.S. Surgeon General and the U.S. Department of Health and Human Services issued a public service announcement imploring all Americans to take measures to prevent the spread of COVID-19, including wearing a face covering in public when social distancing is not possible; and

WHEREAS, on August 5, 2020, the **Hillsborough County Board of County Commissioners** enacted Hillsborough County Ordinance 20-15, amending Hillsborough County Ordinance 06-13 (Hillsborough County Code of Laws and Ordinances, Part A, Chapter 22, Article II, Sections 22-19 through 22-30); and

WHEREAS, Ordinance 20-15, abolished the Hillsborough County Emergency Policy Group and transferred its power to the Board of County Commissioners, the Board Chair, or designee; and

WHEREAS, Ordinance 20-15 preserved in effect the Emergency Policy Group's March 12, 2020, Executive Order, as amended and extended, declaring a local state of emergency, and the EPG's June 22, 2020, Executive Order, as amended on July 6, 2020 and extended, mandating face coverings to be worn in indoor locations of business with certain exceptions; and

WHEREAS, on August 6, 2020, the Board of County Commissioners approved an Executive Order extending the EPG's Executive Order of June 22, 2020 (as amended on July 6, 2020 and extended), requiring the wearing of protective face coverings; and

WHEREAS, the Florida Chapter of the American Academy of Pediatrics, in its White Paper on Re-opening School in Florida, recommended that all children over the age of five years wear face coverings in school; and

WHEREAS, on August 13, 2020, the Board of County Commissioners approved an

Executive Order amending and extending the EPG's Executive Order of June 22, 2020 (as amended on July 6 and extended), requiring the wearing of protective face coverings, excluding children under the age of 5 years; and

WHEREAS, the Thirteenth Judicial Circuit Court in and for Hillsborough County recently upheld the constitutionality of the Executive Order initially adopted by the EPG, and subsequently adopted by the Board of County Commissioners, requiring the wearing of protective face coverings; and

WHEREAS, in order to be consistent with the EPG Executive Order, as amended and adopted by the Board of County Commissioners, and to further address the requirements, conditions and exceptions for wearing face coverings, it is therefore again necessary to revise and replace City of Tampa Executive Order 2020-30 in its entirety with this Order; and

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Tampa by Article VII, Civil Emergencies, Sections 2-401, et. seq., City of Tampa Code, and the Charter of the City of Tampa, and the Laws of the State of Florida, I hereby issue this Executive Order declaring the following:

1. **Purpose.** The purpose of this Executive Order is set forth in the recital ("WHEREAS") clauses above and said recital clauses are hereby adopted, incorporated herein by reference and made a part of this Order.
2. **Definitions.** The following terms as used in this Executive Order shall have the following meaning:
 - a. "Business" as used herein shall mean any commercial, for-profit entity (regardless of corporate structure or formation), or non-profit entity or organization that provides goods or services directly to the public. "Business" as used herein does not include any location under the control of the School District of Hillsborough County, which shall establish its own policy for all its locations within the District.
 - b. "Business operator" as used herein shall mean any individual or entity that owns a "Business" as defined herein, or that controls the operation of such a business, regardless of the formal title or role held by that individual or entity.
 - c. "Face covering" shall mean a uniform piece of material that securely covers a person's nose and mouth and remains affixed in place without the use of one's hands, whether store-bought or homemade, concurrent with CDC guidelines. Examples of compliant home-made face coverings may be found at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>
 - d. "Social distancing" shall mean keeping space between yourself and other people by staying at least 6 feet (about 2 arms' length) from other people.

- e. “Companion” shall mean a person by whom you are accompanied.

3. Face Coverings Required.

- a. Every person working, living, visiting, or doing business in the City of Tampa shall wear a face covering in any indoor location that is open to the public, other than their home or residence, when not maintaining social distancing from other person(s), excluding family members or companion(s).
- b. All business operators of an indoor location of a business that is open to the public in the City of Tampa shall make reasonable efforts to require all persons within the location to wear a face covering when not maintaining social distancing from other person(s), excluding family members or companions, and subject to the exceptions set forth below. “Reasonable efforts” as used herein shall consist of the 4 steps contained in Section 3.c. of this Order.
- c. Business operators must require individuals not excepted from wearing a face covering under Section 4 of this Order to comply with Sections 3.a and b. above by taking the following steps, at a minimum: (1) post signage on all public entrances indicating that face coverings must be worn inside unless an exception in Section 4 of this Order is applicable; (2) if the business is equipped with a public announcement or “PA” system over which announcements to patrons are made, then make regular announcements reminding all persons that face coverings must be worn; (3) require all employees not excepted from wearing a face covering under Section 4 of this Order to wear a face covering in any indoor location of the business when not maintaining social distancing from other persons; and (4) make all other reasonable efforts, including asking patrons not wearing face coverings in compliance with Sections 3.a. and b. of this Order to do so. Business operators who take these steps shall be deemed in compliance with the requirements of Section 3.b. of this Order and shall therefore not be subject to any penalty contained herein.
- d. Every business is strongly encouraged to develop and implement a health and safety plan consistent with this Order requiring protective face coverings and CDC guidelines and to post the plan in a conspicuous location sufficient to provide notice to persons within the business of the requirements of the plan.
- e. Nothing herein shall require or allow a person to wear a face covering so as to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.
- f. Medical and surgical face masks, such as "N95" masks or other similar medical or surgical masks, are in short supply and should be reserved for health care personnel and other first responders with the greatest need for such personal protective equipment.
- g. All persons within any indoor location not subject to the requirements of this Order

are strongly encouraged to follow appropriate social distancing and safety protocols issued by the CDC.

4. **Exceptions.** Nothing herein shall require the wearing of face coverings by the following persons:
- 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; however, no business operator is required to ask a person not wearing a face covering pursuant to this exception to identify a specific health condition or supply documentation thereof; 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; 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, while on duty, as their personal protective equipment requirements will be governed by their respective agencies; and
 - j. Students and employees at any location under the control of the School District of Hillsborough County, which shall establish its own policy for all its locations within the District.
 - k. This requirement shall not apply when a person who is hearing-impaired needs to see the mouth of someone wearing a face covering in order to communicate; and
 - l. This requirement shall not be applied in a manner that would conflict with the Americans with Disabilities Act (ADA).

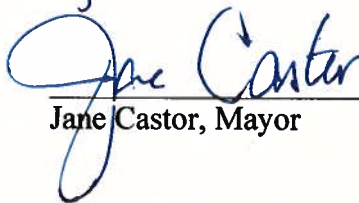
5. **Hillsborough County Emergency Policy Group and Board of County Commissioners Executive Orders.** The Executive Order of the Hillsborough County EPG adopted on July 6, 2020, as extended and amended, requiring the wearing of protective face coverings, and the Executive Orders of the Board of County Commissioners adopted on August 6, 2020 requiring the wearing of protective face

coverings, as amended and extended on August 13, 2020, all subsequent Executive Orders based thereon or amended or extended, are incorporated herein by reference and made part of this Order.

Per the express terms of those Orders, nothing in the Executive Orders of the Hillsborough County EPG or Board of County Commissioners modifies the power of the City of Tampa to impose more stringent standards within its jurisdictional boundaries. Therefore, to the extent any provision of this Order is deemed to be more stringent than that of the Hillsborough County, the more stringent standard shall apply in the City of Tampa.

6. **Enforcement.** It is the intent of this Order to seek voluntary compliance with the provisions contained herein and to educate and warn of the dangers of non-compliance. However, in the event voluntary compliance is not achieved then, as a last resort, pursuant to Sec. 252.46, Florida Statute, this Order shall have the full force and effect of a law of the City of Tampa, and shall be a noncriminal civil infraction, enforceable under Ch. 23.5, City of Tampa Code, as a Class II violation, which carries a maximum civil penalty of up to a \$500 fine. Pursuant to EPG Executive Order, a violation of this Order may also be enforced pursuant to the provisions of Section 252.50, Fla. Stat., and may be prosecuted as a second-degree misdemeanor punishable as provided in Section 775.082 or 775.083, Florida Statute.
7. **Severability.** The provisions of this Order are severable and if any provision of this Order is held to be invalid by a court of competent jurisdiction, the remainder of this Order shall not be affected and shall remain in full force and effect.
8. **Effective Date and Duration.** This Executive Order becomes effective on the date set forth below, and shall supersede and replace City of Tampa Executive Order 2020-30. This Executive Order shall remain in effect in the City of Tampa for so long as a state of local emergency related to COVID-19 is in effect pursuant to City of Tampa Executive Order, or unless otherwise modified, repealed or terminated.

DONE and ORDERED this 19 day of August 2020.



Jane Castor, Mayor

PREPARED AND APPROVED BY:



Gina K. Grimes, City Attorney