



GROVER C. ROBINSON, IV
Mayor

CITY OF PENSACOLA

DECLARATION OF STATE OF EMERGENCY 20-03

WHEREAS, section 2-4-8 of the Code of the City of Pensacola authorizes the Mayor to take such emergency measures as he determines necessary to protect the health, safety, and welfare of the citizens of Pensacola; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19; and

WHEREAS, on March 18, 2020, the Mayor issued Declaration of State of Emergency 20-01 declaring a State of Emergency; and

WHEREAS, both the State's state of emergency order and the City's state of emergency declaration have been extended and currently are in effect through July 7, 2020; and

WHEREAS, COVID-19 poses a health risk to the residents of the City of Pensacola, particularly elderly residents and those who are immunosuppressed or otherwise have high-risk medical conditions; and

WHEREAS, the City finds that COVID-19 presents a danger to the health, safety, and welfare of the public; and

WHEREAS, COVID-19 is spread through airborne transmission from individuals speaking, coughing, and sneezing, and infectious droplet nuclei can spread for a great distance, although how far is not fully understood at present; and

WHEREAS, since April of 2020, the City has proactively directed the implementation of numerous efforts, including an aggressive communications campaign, to encourage persons in the City to practice social distancing, wash and sanitize their hands, clean high touch surfaces, and wear face coverings as community mitigation strategies to decrease the spread of COVID-19; and

WHEREAS, Governor DeSantis has issued a series of executive orders to re-open Florida, and some of the restrictions to flatten the curve and slow the spread of COVID-19 have correspondingly been relaxed; and

WHEREAS, the re-opening of the State will lead to more contact between individuals and the potential for increased community spread of the disease; and

WHEREAS, despite mitigation efforts, as reported by Florida Department of Health Officer ("Department of Health") John Lanza, the number of positive cases of COVID-19 in Escambia County has spiked with 81 positive cases reported on June 24, 2020, an average of 42 new cases each day for the past seven days, and a seven-day positivity rate of 4.58% for the week beginning June 14, 2020, versus 2.23% for the previous seven days, which indicates greater local community spread and transmission of the disease; and

WHEREAS, federal and state health officials have indicated that they expect additional cases of COVID-19 to be identified in the coming days and, based on the highly contagious nature of COVID-19, additional person-to-person transmission is likely; and

WHEREAS, conditions presented by the threat of COVID-19 continue to pose a threat to the public health that requires dynamic emergency response, including the imposition of additional mitigation strategies as conditions require; and

WHEREAS, the use of face coverings has been identified as a measure to assist in preventing individuals who may be shedding the COVID-19 virus from spreading it to other individuals; and

WHEREAS, to reduce the spread of the disease, the Centers for Disease Control and Prevention ("CDC") recommends the use of cloth face coverings in public settings where other social distancing measures are difficult to maintain, such as inside businesses; and

WHEREAS, the CDC advises that the virus can spread between persons interacting in close proximity even if those persons are asymptomatic (persons not exhibiting symptoms) or are pre-symptomatic (persons who transmit the virus to others before showing symptoms); 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 in gatherings of fewer than 50 people, individuals should maintain at least six feet distance from each other and wear a face covering; and

WHEREAS, the CDC recommends only simple cloth face coverings for the general population and not surgical masks or N-95 respirators because these are critical supplies that must continue to be reserved for healthcare workers and other medical first responders; and

WHEREAS, cloth face coverings are relatively inexpensive and readily available as the CDC states that they can be made from household items and provides online guidance for making “do-it-yourself” coverings for people who cannot or do not want to buy one from the increasing sources producing and selling coverings; and

WHEREAS, the CDC and Dr. Rivkees delineates circumstances in which a face covering should not be worn; and

WHEREAS, the Mayor finds implementation of this emergency order is necessary for the preservation of the health, safety, and welfare of the community.

NOW, THEREFORE, I, Grover C. Robinson, IV, Mayor of the City of Pensacola, hereby order as follows:

Section 1. Definitions.

- a. A “business” is a location with a roof overhead under which any business is conducted, goods are made, stored, processed, sold, or made available for sale, or where services are rendered, and includes outside extensions of the business, including patio areas and areas under a license to use agreement. The term includes transportation network companies, such as Ubers and Lyft; vehicles operated for mass transit except for ECAT buses and other mass transit controlled by Escambia County; taxis; pedicabs; limousines for hire; rental cars; other passenger vehicles for hire; and locations where non-profit, governmental, and quasi-governmental entities facilitate public interactions and conduct business.
- b. A “face covering” is a material that covers the nose and mouth and that fits snugly against the sides of the face so there are no gaps. It can be secured to the head with ties or straps or simply wrapped around the lower face. It can be made of a variety of materials, such as cotton, silk, or linen. Coverings with materials made of multiple layers is highly encouraged. A cloth face covering may be factory-made or sewn by hand, or the cloth face covering can be improvised from household items. The CDC has posted additional information regarding how to make, wear, and wash a cloth face covering at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>.
- c. “Wearing a face covering” means wearing a face covering over the person’s nose and mouth and snugly against the sides of the face.
- d. A “lodging establishment” shall have the same meaning as the term “transient public lodging establishment” has in section 509.013(4)(a)1, Florida Statutes (2019). Accordingly, for purposes of this order, a “lodging establishment” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month,

whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

Section 2. Mandatory requirements.

- a. An individual in a business must wear a face covering while in that business.
- b. All persons who own, manage, or are employed by a business located in the City must wear a face covering while on-duty and having direct or indirect customer contact, including persons working in a kitchen or otherwise preparing or serving food or beverages to customers.
- c. Each business must post signage notifying individuals of the requirement to wear a face covering as provided by this order.

Section 3. Exceptions.

This order shall not apply to:

- a. A child under six years of age.
- b. A person who has one or more medical conditions or disabilities that prevent wearing a face covering, including anyone who has trouble breathing or is unconscious, incapacitated, or otherwise unable to remove a face covering without assistance. A person asserting this exception for medical conditions or disabilities is not required to carry or produce documentation verifying the health condition to a business or law enforcement.
- c. A person who is communicating with an individual who is hearing impaired who needs to see the mouth of the person speaking to facilitate communication.
- d. An individual who is obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- e. Public safety, police, fire, and other life safety and health care personnel whose personal protective equipment requirements are governed by their respective agencies and employers.
- f. A person in a federal, state, or Escambia County government building.
- g. A person exercising while observing at least six feet of distancing from other persons.
- h. Persons while eating or drinking. It is the intent of this provision that a face covering be worn while traversing a business for ingress and egress, to use the

restroom facilities, and while standing when persons are unable to maintain at least six feet of distancing.

- i. Business owners, managers, and employees who are in an area of a business that is not open to customers, patrons, or the public, provided that six feet of distance exists between persons. *This exception does not apply to employees who are present in the kitchen or other food and beverage preparation area of a business – those persons must wear face coverings.*
- j. An individual in a lodging establishment who is inside of the lodging unit, including, but not limited to, a hotel room, motel room, vacation rental unit, timeshare unit, or similar unit.

Section 4. 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.

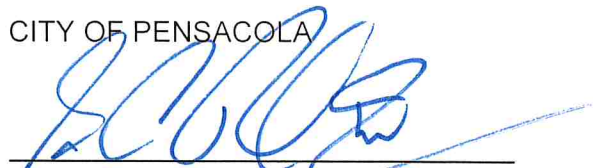
Section 5. This order shall expire upon the expiration of the existing City of Pensacola State of Emergency 20-01, except that if such State of Emergency is extended, this order shall also be deemed to extend for the duration of such extension. This order may be cancelled earlier by action of the Mayor.

Section 6. This order shall be effective as of 5:00 pm CDT on June 26, 2020.

Section 7. This order shall remain in effect until the expiration of the City's state of emergency and any extension thereof unless it is modified or repealed or until the City Council adopts an ordinance addressing the wearing of face coverings.

IN TESTIMONY WHEREOF, I have hereto set my hand this 26th day of June, 2020.

CITY OF PENSACOLA



GROVER C. ROBINSON, IV, MAYOR