

ORDINANCE

20-14

ORDINANCE NO 20-14

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, PERTAINING TO THE WEARING OF PERSONAL PROTECTIVE FACE COVERINGS; PROVIDING FOR A TITLE; PROVIDING FOR INTENT; PROVIDING FOR GENERAL REQUIREMENTS; PROVIDING FOR ENFORCEMENT AND CIVIL PENALTIES; PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR APPLICABILITY; AND PROVIDING FOR FILING AND AN EFFECTIVE DATE.

WHEREAS, the Nation, State, and Hillsborough County have been experiencing the effects of the COVID-19 pandemic for several months; and

WHEREAS, the effects of the pandemic on the citizens of Hillsborough County are expected to remain for the foreseeable future; and

WHEREAS, pursuant to Article 8 of the Florida Constitution and Section 125.66, Florida Statutes, Hillsborough County possesses the police powers to enact ordinances in order to protect the health, safety, and welfare of the County's citizens; and

WHEREAS, the Hillsborough County Board of County Commissioners has broad authority to enact ordinances and prescribe penalties for violations of its ordinances; and

WHEREAS, the Centers for Disease Control and Prevention (CDC), as well as health experts across the State and Nation have strongly urged the wearing of personal protective face coverings as protection against spreading COVID-19; and

WHEREAS, at its June 22, 2020 meeting, the Emergency Policy Group (EPG) approved an Executive Order which requires business operators to ensure compliance with and enforce the provisions of the Executive Order. Specifically, all business operators of an indoor location of a business that is open to the public in Hillsborough County shall require all persons within the location to wear a face covering when not maintaining social distancing from other person(s), excluding family members or others residing in their home and subject to certain exceptions. Nothing in this Ordinance shall conflict with EPG's Executive Order approved at the June 22, 2020 meeting; and

WHEREAS, the Hillsborough County Board of County Commissioners finds that it will serve the public health, safety and welfare of the citizens of Hillsborough County to provide citizens and residents of Hillsborough County with the right to wear personal protective face

coverings during the current declared state of local emergency in Hillsborough County related to the COVID-19 pandemic.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:

There is hereby created Chapter/Article/Section of the Hillsborough County Code of Ordinances and Laws, which shall be included as follows:

SECTION 1: TITLE

This ordinance shall be known and may be cited as the Hillsborough County Personal Protective Face Coverings Ordinance.

SECTION 2: INTENT

It is the intent of the Hillsborough County Board of County Commissioners to protect the health, safety, and welfare of its citizens and residents by providing the right of individuals to wear personal protective face coverings during the current declared state of local emergency in Hillsborough County related to the COVID-19 pandemic.

SECTION 3: GENERAL REQUIREMENTS

- A. Personal Protective Face Covering as used herein 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. 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>.
- B. All persons in Hillsborough County shall not be denied the right to wear a personal protective face covering in any indoor and/or outdoor location unless the wearing of a personal protective face covering is specifically prohibited by state or federal regulation or law, or unless otherwise noted herein. Nothing in this Ordinance shall conflict with EPG's Executive Order approved at the June 22, 2020 meeting and the EPG's Executive Order is valid and enforceable.
- C. Unless specifically provided by state or federal regulation or law, an employer may not prohibit an employee, contractor, or any other person utilizing a personal protective face covering from entering the employer's establishment. However, an employer may prohibit an employee or contractor from wearing a personal protective face covering which displays nonbusiness-related lettering, wording, logos, or other insignia not approved by the employer. If an employer does prohibit the wearing of an unapproved face covering by an employee or contractor, the employer shall provide the employee or contractor a personal protective face covering.
- D. Nothing herein shall allow a person to wear a face covering so as to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.

- E. Except as otherwise provided herein, any person interfering, or attempting to interfere, with another person's desire to wear a personal protective face covering shall be in violation of this Ordinance.

SECTION 4: ENFORCEMENT AND CIVIL PENALTIES

- A. It is the intent of the Hillsborough County Board of County Commissioners to seek voluntary compliance with the provisions contained herein and to educate and warn of the dangers of non-compliance. If voluntary compliance is not achieved, then a violation of the Ordinance will be subject to the civil penalties set forth herein.
- B. The County's code enforcement officers authorized to enforce County ordinances may enforce the provisions of this ordinance pursuant to Chapter 162, Florida Statutes, Part II, as amended (Hillsborough County Code of Ordinances and Laws Chapter 14, Article III, Sections 14-61 through 14-72) and consistent with Resolution R17-018.
- C. A code enforcement officer shall first educate a violator of the ordinance requirements and issue a notice of verbal warning to comply. This notice will be considered the first violation of this ordinance.
- D. The civil penalties for violating this order will be progressive in nature and as follows:
 - 1. First violation - education and a warning notice by code enforcement officers.
 - 2. Second violation - a civil citation in the amount of \$125.00.
 - 3. Third violation - a civil citation in the amount of \$250.00.
 - 4. Fourth and any subsequent violation - a civil citation in the amount of \$500.00 and a notice to appear before a Judge shall be issued.

SECTION 5: SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

SECTION 6: REPEAL OF LAWS IN CONFLICT

All Hillsborough County laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7: INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this Ordinance shall be included and incorporated in the Hillsborough County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Hillsborough County Code, once established. The recitations contained in the "WHEREAS" clauses are incorporated herein by reference but are not required to be reproduced and included in the Code.

SECTION 8: APPLICABILITY

All provisions of this Ordinance shall be applicable throughout the incorporated and unincorporated areas of Hillsborough County unless any municipality determines to opt-out of this ordinance's provisions, or enacts its own ordinance concerning this matter.

SECTION 9: FILING OF ORDINANCE AND EFFECTIVE DATE

In accordance with the provisions of §125.66, Florida Statutes, governing ordinances, a certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners. This Ordinance shall take effect upon filing with the Florida Department of State and remain in effect until rescinded by the Board of County Commissioners.

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting of July 15, 2020, by a vote of 6 voting yes and 1 voting no, as the same appears in record in Minute Book 530 of the Public Records of Hillsborough County, Florida

WITNESS my hand and official seal this 20th day of July, 2020.

PAT FRANK
CLERK OF THE CIRCUIT COURT

BY: Mindu O.K. Dey

Deputy Clerk

Approved By County Attorney
As To Form and Legal Sufficiency:

By: Rudin E. Haidermota
Sr. Assistant County Attorney





FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

July 21, 2020

Honorable Pat Frank
Clerk of the Circuit Court
Hillsborough County
419 Pierce Street, Room 140
Tampa, Florida 33601

Attention: Midge Dixon

Dear Mrs. Frank:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hillsborough County Ordinance No. 20-14, which was filed in this office on July 20, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb