

RESOLUTION 2020- 132

**A RESOLUTION OF THE COUNTY COUNCIL OF
VOLUSIA COUNTY, FLORIDA, ENCOURAGING FACE
COVERINGS; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Governor DeSantis issued Executive Order No. 20-52 on March 9, 2020, declaring a state of emergency for the entire State of Florida as a result of Coronavirus Disease (COVID-19);

WHEREAS, on March 13, 2020 the President of the United States issued a Proclamation Declaring a National Emergency concerning COVID-19;

WHEREAS, on March 13, 2020, the Volusia County Council issued a Declaration of State of Local Emergency Related to Coronavirus Disease (COVID-19), as subsequently extended;

WHEREAS, on June 3, 2020, the Governor of Florida Issued Executive Order 20-139 (Phase 2: Safe. Smart. Step-by-Step. Plan for Florida's Recovery);

WHEREAS, under Phase 2, all persons in Florida are encouraged to follow appropriate social distancing and safety protocols issued by the U.S. Centers for Disease Control (CDC) and OSHA;

WHEREAS, the CDC has referenced recent studies that a significant portion of individuals with coronavirus lack symptoms (asymptomatic) and that those who eventually develop symptoms (pre-symptomatic) can transmit the virus to others interacting in close proximity before showing symptoms;

WHEREAS, the CDC states that face coverings may help prevent people who have COVID-19 from spreading the virus to others;

WHEREAS, the CDC states that cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings;

WHEREAS, to reduce the spread of the disease, the CDC recommends the use of cloth face coverings in public settings where other social distancing measures are difficult to maintain since many individuals with no symptoms can spread the virus, and even individuals who develop symptoms can transmit the virus to others before showing symptoms;

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 increasing sources producing and selling coverings;

WHEREAS, on June 22, 2020, pursuant to Section 381.00315(1), Florida Statutes, the State Surgeon General/State Health Officer issued a public health advisory which advised ALL persons in Florida, with certain enumerated exceptions, wear face coverings in any setting where social distancing is not possible;

WHEREAS, recent data from the Florida Department of Health for Volusia County indicates an increase in the positivity rates for COVID-19 of 12.15% for the week of June 28th and 11.92% for the week of July 5th ;

WHEREAS, recent data from the Florida Department of Health for Volusia County indicates 163 new cases on July 8th, 223 new cases on July 9th, 176 new cases on July 10th, 179 new cases on July 11th, and 159 new cases on July 12th;

WHEREAS, recent data from the Florida Department of Health for Volusia County indicates an increase in emergency department and freestanding emergency department admissions for COVID-like illness;

WHEREAS, the purpose of this Resolution is to limit the spread of COVID-19 during Phase 2 and reduce the potential of Stay at Home orders being reinstated in Volusia County;

WHEREAS, this resolution is based on the most recent available information and on the observed and continuing compliance of the citizens of Volusia County with CDC guidelines on social distancing and safety protocols for preventing the transmission of COVID-19;

WHEREAS, based on the data above, the Council finds there is an immediate danger to the public health, safety or welfare that requires emergency action;

WHEREAS, the County must consider constantly changing information and dynamics of the COVID-19 pandemic and its impacts within its communities; and

WHEREAS, Volusia County has instituted a public awareness campaign – Step Up Volusia - to reinforce the continuing need for residents to practice hand-washing, social distancing and the wearing of face coverings.

NOW THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY ADMINISTRATION CENTER, DELAND, FLORIDA, THIS 21 DAY OF JULY, 2020, AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The above recitals are true and correct, and by this reference are hereby incorporated in and made an integral part of this Resolution.

SECTION 2. Definitions.

- a. A “business establishment” means a location with a roof overhead under which any business is conducted, goods are made or stored or processed or where services are rendered. The term “business establishment” also includes places of worship.
- 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 close 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. Social Distancing means keeping space between yourself and other people by staying at least 6 feet (2 arms lengths) from other people.
- d. Companion means a person by whom one is accompanied by.

SECTION 3. Face Coverings Encouraged.

- a. All individuals working, living, visiting, or doing business in Volusia County are encouraged to wear face coverings in any business establishment, other than their home or residence, where maintaining social distancing from other person(s), excluding family members or companions, is not possible.
- b. All business establishments are encouraged to prohibit entry of each individual who is not wearing a face covering with the exception of those below listed individuals.

SECTION 4. Exceptions.

- a. The following individuals are not required to wear face coverings:
 - i. A child under the age of two years old;
 - ii. Persons who have trouble breathing due to a chronic pre-existing condition or individuals with a medical problem. It is the intent of this provision that those individuals who cannot tolerate a facial covering for a medical, sensory or any

other condition which makes it difficult for them to utilize a face covering and function in public are not required to wear one.

- iii. Public safety, fire, and other life safety and health care personnel, as their personal protective equipment requirements will be governed by their respective agencies.
 - iv. Persons exercising while observing at least 6 feet of distancing from another person.
 - v. Restaurants and bar patrons while eating or drinking. It is the intent of this provision that a face covering will be worn while traversing a business establishment for ingress and egress, to use the restroom facilities, and while otherwise standing when persons are unable to maintain at least 6 feet of distancing.
 - vi. Business owners, managers, and employees who are in an area of a business establishment that is not open to customers, patrons, or the public, provided that 6 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 establishment.
 - vii. Medical, dental or other health care facilities or offices, as mask wearing in those facilities will be regulated pursuant to guidance specifically directed to those particular facilities.
 - viii. Persons who are separated from any other person by means of barriers such as plastic face shields, plastic or glass barriers, or other devices that effectively prevent the transmission of the COVID-19 virus.
 - ix. A person in a lodging establishment who is inside the lodging unit, including but not limited to, a hotel room, motel room, vacation rental unit, timeshare unit, or similar unit.
 - x. Any person in a school, regardless of whether public or private, as mask wearing in schools will be regulated by the schools.
- b. This Resolution does not apply to employees and patrons of first response, government, healthcare or medical, veterinarian, shelter or rehabilitation, childcare, utility providers, construction, or transit agencies.
 - c. This Resolution does not apply when a person who is hearing-impaired needs to see the mouth of someone wearing a face covering in order to communicate.
 - d. This Resolution shall not be applied in a manner that would conflict with the Americans with Disabilities Act.

SECTION 5. Subsequent resolutions may be forthcoming as circumstances warrant in response to this emergency. Nothing herein shall be deemed a mandate or requirement.

SECTION 6. Effective date. This resolution shall take effect immediately upon adoption and shall be effective for the duration, without lapse, of the Declaration of Local Emergency for Coronavirus Disease (COVID-19), unless modified or repealed.

DONE AND ORDERED IN OPEN MEETING.

**COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA**

ATTEST:



George Recktenwald
County Manager

BY:



Ed Kelley
County Chair

