ORDER NO. 20-044
AN ORDER OF THE ST. LUCIE COUNTY ADMINISTRATOR
REQUIRING FACE COVERINGS BE WORN IN COUNTY BUILDINGS
TO SLOW THE SPREAD OF COVID-19

WHEREAS, the St. Lucie County Administrator has made the following determinations:

1. COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare, and safety of the people of St. Lucie County, and

2. On March 1, 2020, Governor DeSantis declared a Public Health Emergency because of COVID-19; and, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency because of COVID-19; and

3. On March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic; and on March 13, 2020, President Trump declared a national emergency concerning COVID-19; and

4. The St. Lucie County Public Safety Director declared a local state of emergency in St. Lucie County based on the COVID-19 virus on March 17, 2020; and

5. The Centers for Disease Control and Prevention (CDC) advises 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; and studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths); and

6. The CDC advises that a significant portion of individuals with coronavirus lack symptoms ("asymptomatic") and that even those who eventually develop symptoms ("pre-symptomatic") can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity -- for example, speaking, coughing, or sneezing -- even if those...
people are not exhibiting symptoms; and

7. The CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain in order to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others; and

8. The CDC does not recommend wearing cloth face covering for children under the age of 2, or anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the mask without assistance; and

9. 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

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

11. The CDC, the Florida Department of Health and the University of Florida recommends the use of face coverings, including those which are homemade to slow the spread of the disease; and

12. The gradual reopening of the State and the County will lead to more contact between individuals and lead to more potential for the increased community spread of the disease. Face masks are of great assistance in preventing individuals who may be shedding the virus, when the virus replicates in infected persons to spread it to other individuals; and

13. Researchers at the University of Florida believe it is too early to ease restrictions without enhanced testing in place and that such testing is not
currently in place and that COVID-19 will be present in the population for a long time; and

14. According to the Department of Health, local testing has been underutilized and the number of individuals tested needs to increase and contact tracing must increase as well; and

15. Governor DeSantis, on April 29, 2020, issued Executive Order 20-112 designed to ease some restrictions established by Executive Order 20-90 in the first phase of a plan to fully reopen the State; and

16. Executive Order 20-112 does not preempt the authority of local governments to add additional restrictions to businesses opened by the Governor; and

17. In a recent United States Supreme Court Case, the Court denied injunctive relief where California limited attendance at places of worship due to COVID-19. Chief Justice Roberts described COVID-19 as “a novel severe acute respiratory illness that has killed...more than 100,000 nationwide” and noted that “(a)t this time there is no known cure, no effective treatment, and no vaccine” and “because people may be infected, be asymptomatic, they may unwittingly infect others.” Chief Justice Roberts also stated “(t)he precise question of when restrictions on particular social activities should be lifted during the pandemic is a dynamic and fact-intensive matter subject to reasonable disagreement. Our Constitution principally entrusts the safety and the health of the people’ to the politically accountable officials of the States ‘to guard and protect.’ ... When those officials ‘undertake to act in areas fraught with medical and scientific uncertainties,’ their latitude ‘must be especially broad.’ Where those broad limits are not exceeded, they should not be subject to second-guessing by an ‘unelected federal judiciary,’ which lacks the background, competence, and expertise to assess public health and is not accountable to the people.”

---

1 https://mediasite.video.ufl.edu/Mediasite/Play/b8849c7d0b11f265f5f020be6a4ec0b41d
18. Alachua County issued Emergency Order 2020-21 requiring face masks in certain circumstances. The County’s Emergency Order was challenged in State Circuit Court and in Federal District Court. Both Courts issued Orders denying Plaintiffs’ Emergency Motions for Temporary Injunction. In denying the request for temporary injunction, State Circuit Judge Donna M. Keim stated, “The protection of the safety and welfare of the public is inherent in the role of local government … The requirement to wear a facial covering during the limited circumstance set forth in the ordinance is a minimal inconvenience; and it’s benefits to the public in potentially reducing the spread of COVID-19 outweighs any inconvenience. Here, there is a global pandemic involving COVID-19, a virus which the CDC and others advise is spread through airborne transmission and is spread by asymptomatic individuals. Multiple sources relied upon by the County reflect that mitigation is depending upon the use of social distancing and personal protection equipment, such as face masks/coverings. The County’s need to take measures to control the spread of COVID-19 clearly outweighs the Plaintiff’s private interest in not wearing a mask in the limited circumstances required by the county’s emergency order; and an injunction in this situation would disserve the public interest.” Green v. Alachua County, Case No.: 01-2020-CA-001249 (Order dated May 26, 2020). See also: Ham v. Alachua County Board of County Commissioners et. al. Case No. 1:20cv111-MW/GRJ (Order dated June 3, 2020 by Chief United States District Judge Mark E. Walker) (“Plaintiffs have not demonstrated that Alachua County exceeded its broad limits and this Court, like the Supreme Court, will not engage in second-guessing”); and

19. On June 5, 2020, Governor Ron DeSantis issued Executive Order 20-139, 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 20-91, the Safer at Home Order, and supersedes in part, and extends and modifies other provisions of, Executive Order 20-112; and

20. On June 20, 2020, the State Surgeon General issued a Public Health Advisory providing that all individuals in Florida should wear face coverings in any setting where
social distancing is not possible; and

21. Based on recent information and data from the St. Lucie County Department of Health, the number of confirmed cases of COVID-19 in St. Lucie County has increased significantly since additional re-openings were authorized under Phase 2 of the Governor’s Plan for Florida’s Recovery; and

22. Based on advice from medical professionals, the number of confirmed cases of COVID-19 in St. Lucie County will increase exponentially if additional measures to stop or slow the spread of COVID-19 are not instituted; and

23. The County’s hospitals and doctors in our community have expressed concern that over the past month, hospital admittance for COVID-19 has had a significant increase; and

24. The CDC and Florida Department of Health continue to remind residents that by wearing a face covering, the resident protects others from exposure as well as themselves; and

25. Additional steps are needed to minimize the spread of COVID-19 in response to the recent spike in positive COVID-19 cases and hospital admittances; and

26. Requiring the wearing of face coverings in County buildings will reduce the spread of COVID-19 among the public and County employees; and

27. In determining whether to issue this Order, the County Administrator considered information received from the Department of Health, the University of Florida, State Surgeon General, CDC and other health care providers and medical professionals regarding challenges raised at this point in time by COVID-19.

NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

1. St. Lucie County Government Facilities Face Coverings Required. Effective
Monday, June 29, 2020 at 8:00 a.m., all persons working in or accessing St. Lucie County governmental buildings shall wear a facial covering as defined by the CDC when in the presence of others. A facial covering shall not be required when a person is located in a room or office within a County building that is not accessed by other persons and there is no other person present. For purposes of this section, St. Lucie County governmental buildings shall mean any St. Lucie County-owned and operated buildings including, but not limited to, office buildings and libraries. Face coverings shall not be required for children under 2 years of age, public safety, fire and other life and safety personnel, and persons with medical conditions or disabilities that are not compatible with masks. Face coverings shall not be required for individuals participating in indoor sporting or physical fitness events provided 6’ physical distancing between participants can be maintained.

2. A face covering includes any covering which snugly covers the nose and mouth, whether store bought or homemade, and which is secured in place. Persons who wear masks should review the CDC and Florida Department of Health guidelines regarding properly and safely applying, removing, and cleaning masks.

3. Medical and surgical masks, such as N95 masks or other similar medical surgical masks, should be reserved for health care personnel, police, fire fighters, emergency management and other first responders engaged in life/safety activities.

4. Any provision of this Order that conflicts with any state or federal law or constitutional provision, or conflicts with or are superseded by a current or subsequently-issued Executive Order of the Governor of the State of Florida or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Order.

5. This Order does not apply to buildings of municipal governments within the County, the St. Lucie County School District, the States University System, the State College System, the State of Florida, Federal agencies or public utilities who are
encouraged to adopt their own rules and procedures regarding the matters set forth herein.

6. This Order shall expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless terminated by subsequent Order of the Board of County Commissioners or the County Administrator.

7. This Order is in addition to the Executive Orders issued by Governor DeSantis.

8. Prior resolutions and emergency orders remain in full force and effect unless modified or superseded.

9. It is the intent of this Order to seek voluntary compliance and to educate of the dangers of noncompliance. The St. Lucie County Sheriff, other law enforcement agencies, including municipal law enforcement agencies, are authorized to enforce the Order. Prior to pursuing enforcement, law enforcement personnel shall request persons to voluntarily comply by either wearing a face covering or leaving the County building. In the event a person refused to comply voluntarily, a violation of this Emergency Order may be enforced by prosecution as a misdemeanor of the second degree pursuant to Sections 252.47 and 252.50, Florida Statutes punishable as provided in Section 775.082 or 775.083, Florida Statutes.

10. This Order shall be filed in the Office of the Clerk of the Circuit Court.

Signed this 26th day of June, 2020 at 4:30 (a.m.) (p.m.)

Howard N. Tipton
County Administrator