

RESOLUTION NO. _____

PROPOSED RESOLUTION NO. 20-037

AN EMERGENCY RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO PUBLIC HEALTH; AMENDING RESOLUTION NO. 5622 TO EXTEND EXPIRATION DATE OF FACE COVERING REQUIREMENT; REQUIRING PERSONS THAT LIVE, WORK, VISIT OR DO BUSINESS IN THE CITY OF LAKELAND TO WEAR FACE COVERINGS IN CERTAIN PUBLIC PLACES TO STOP OR SLOW THE SPREAD OF NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR EXCEPTIONS; ESTABLISHING ENFORCEMENT AND PENALTY PROVISIONS FOR VIOLATIONS; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms of cough, fever and shortness of breath; and

WHEREAS, on March 1, 2020, Ron DeSantis, Governor of the State of Florida, issued Executive Order number 20-51, directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, Governor DeSantis has issued a number of subsequent executive orders that limit certain activities and recommend that all persons in Florida follow

appropriate social distancing and safety protocols issued by the Centers for Disease Control and Prevention (CDC) and the United States Occupational Safety and Health Administration (OSHA); and

WHEREAS, Section 252.38, Florida Statutes, authorizes political subdivisions, including municipalities, to declare a state of local emergency and to take whatever prudent action is necessary to ensure the health, safety and welfare of the community; and

WHEREAS, on March 16, 2020, the City Commission of the City of Lakeland, Florida adopted Resolution No. 5605, declaring a state of local emergency within the incorporated limits of the City of Lakeland due to the threat posed to public health and safety by COVID-19; and

WHEREAS, the City Commission and City Manager have continued to extend the declaration of state of local emergency adopted by Resolution No. 5605; and

WHEREAS, public health experts have consistently recommended avoiding close physical interaction between people in order to slow the spread of COVID-19; and

WHEREAS, despite measures previously taken, COVID-19 has rapidly spread in the State of Florida, and based on the advice from medical professionals, the number of confirmed cases of COVID-19 in Polk County, and in particular the City of Lakeland, will increase exponentially if additional measures to stop or slow the spread of COVID-19 are not instituted; and

WHEREAS, it is now necessary for the City of Lakeland to implement further restrictions for the general health, safety, and welfare of the community; and

WHEREAS, the 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, and that 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; and

WHEREAS, the CDC 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, consistent with the ongoing nature of the COVID-19 emergency, it is appropriate in order to ensure the health, safety and welfare of the community during the present state of emergency to require face coverings consistent with the provisions provided herein; and

WHEREAS, this emergency resolution is being adopted pursuant to Resolution No. 5605 declaring a state of emergency in the City of Lakeland due to COVID-19 and the provisions of Chapter 26 of the Code of the City of Lakeland;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. Findings of Fact. The foregoing findings are true and correct and are hereby adopted and incorporated herein by reference.

SECTION 2. Definitions.

“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, consistent with CDC guidelines.

“Social Distancing” shall mean keeping space between yourself and other people by staying at least 6 feet from other people.

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

SECTION 3. Face Coverings Required.

a. Every person working, living, visiting, or doing business in the City of Lakeland shall wear a face covering consistent with CDC guidelines in any indoor location, other than their home or residence, when not maintaining social distancing from other persons, excluding family members or companions.

b. Medical and surgical 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.

SECTION 4. Exceptions.

Nothing herein shall require the wearing of face coverings by the following persons:

- a. Persons under the age of eight (8) years old;
- b. Persons observing social distancing in accordance with CDC guidelines;
- c. Persons for whom a face covering would cause impairment due to an existing health condition;
- d. Persons working in a business or profession who do not have interactions with other persons;

e. Persons working in a business or profession who maintain social distancing from other persons;

f. Persons working in a business or profession where use of a face covering would prevent them from performing the duties of their business or profession;

g. Persons exercising, while maintaining social distancing in accordance with CDC guidelines;

h. Persons eating or drinking;

i. Persons under the age of eighteen (18) years old while participating in youth sports;

j. Public safety, fire and other life safety and health care personnel, as their protective equipment requirements will be governed by their respective agencies;

k. Persons communicating with someone who is hearing impaired where the wearing of a face covering would impede communication, provided that social distancing is observed to the greatest extent practicable;

l. Persons for whom the requirement to wear a face covering would cause a conflict with the Americans with Disabilities Act (ADA).

SECTION 5. Enforcement and Penalties.

It is the intent of the City Commission 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 violation of this Resolution, and any order issued pursuant hereto, shall be subject to a fine not exceeding the sum of Two Hundred Fifty Dollars (\$250.00) pursuant to Section 1-14 of the Code of the City of Lakeland, Florida, or as otherwise provided by law. Notwithstanding any

provision of Section 1-14 of the City Code to the contrary, a violation of this Resolution, and any order issued pursuant hereto, shall only be subject to a fine not exceeding Two Hundred Fifty Dollars (\$250.00), and those provisions of Section 1-14 of the City Code providing for fines in excess of Two Hundred Fifty Dollars (\$250.00) or providing for a term of imprisonment shall not be applicable to violations of this Resolution or orders issued pursuant hereto.

SECTION 6. Applicability.

Any provision of this Resolution that conflicts with any State or Federal law or constitutional provision, or conflicts with or is superseded by a current or subsequently-issued executive order of the Governor or other authority, shall be deemed inapplicable and deemed severable from this Resolution, with the remainder of this Resolution remaining in full force and effect. This Resolution applies within the jurisdictional limits of the City of Lakeland.

SECTION 7. Effective Date; Sunset Provision.

This Resolution shall become effective on September 8, 2020 at 5:00 p.m. and shall expire at 5:00 p.m. on October 5, 2020 unless extended by further action of the City Commission.

PASSED AND CERTIFIED AS TO PASSAGE this 8th day of September, A.D. 2020.

H. WILLIAM MUTZ, MAYOR

ATTEST: _____
KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY