

## RESOLUTION NO. 21-2020

A RESOLUTION ENCOURAGING FACE COVERINGS AT ALL INDOOR LOCATIONS THROUGHOUT THE CITY IN ORDER TO MINIMIZE SPREAD OF THE COVID-19 VIRUS, SUBJECT TO CERTAIN EXCEPTIONS; PROVIDING FOR APPLICABILITY; PROVIDING EFFECTIVE DATE AND FOR EXPIRATION

WHEREAS, the corona virus ("COVID-19) is a respiratory illness caused by a virus that can spread rapidly from person to person, and may result in serious illness and death; and

WHEREAS, in response to the Coronavirus Disease 2019 ("COVID-19"), Governor Ron DeSantis issued Executive Order No. 20-51, declaring a public health emergency in the State of Florida, and on May 8, 2020, Governor DeSantis issued Executive Order No. 20114, extending the state of emergency for an additional 60 days; and

WHEREAS, consistent with the City's Comprehensive Emergency Management Plan, adopted pursuant to Ch. 252, Fla. Stat., and City Resolution No. 19-131, the Mayor of the City of Titusville, Florida, Walt Johnson, issued a Declaration of a Local State of Emergency due to COVID-19 on March 18, 2020; and

WHEREAS, after Governor DeSantis issued Executive Order No. 20-91 on April 1, 2020, imposing statewide restrictions on non-essential businesses and activities due to COVID-19 (Safer at Home Order), Governor DeSantis subsequently issued Executive Orders No 20-112, (April 29, 2020), Executive Order No. 20-120 (on May 9, 2020), Executive Order No. 20-123 (May 14, 2020), Executive Order No. 20-131 (May 22, 2020), and Executive Order No. 20-139 (June 3, 2020), removing and decreasing the restrictions of the Safer at Home Order in order to provide for the phased re-opening of the State of Florida; and

WHEREAS, the re-opening of the State of Florida will lead to more contact between individuals gathered together in public places, which is likely to increase the transmission of COVID-19 among individuals and the spread of COVID-19 within Florida communities; and

WHEREAS, the increased risk in transmission of COVID-19 associated with the re-opening of the State of Florida may be greater for a community, such as Titusville, Florida, that is a known visitor destination due to the Space Industry and Eco-Tourism as well as a high-density suburban community; and

WHEREAS, COVID-19 is spread through airborne transmission from individuals, sneezing, speaking, and coughing; and

WHEREAS, COVID-19 can be spread by individuals who are asymptomatic, and the infectious droplet nuclei can spread for a great distance, although how far is not fully understood at present; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recommends use of facial coverings to reduce the spread of COVID-19 may be found at:

<https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>; and

WHEREAS, a recent meta-analysis funded by the World Health Organization supports the use of social distancing and facial coverings to minimize transmission of COVID-19, and on June 5, 2020, the World Health Organization changed its position on the use of facial covering, and now supports their use may be found at:

[https://www.who.int/docs/default-source/coronaviruse/corrigendum-to-ig-2020-4-ipc-masks-2020-06-05-pp-15-16-2020-06-06-e.pdf?sfvrsn=c5992b89\\_2](https://www.who.int/docs/default-source/coronaviruse/corrigendum-to-ig-2020-4-ipc-masks-2020-06-05-pp-15-16-2020-06-06-e.pdf?sfvrsn=c5992b89_2); and

WHEREAS, according to public data provided by the Florida Department of Health, there has been a significant increase in coronavirus cases across the State of Florida and within Brevard County. The data includes the following:

- Among all Florida residents, the number of daily coronavirus cases among all Florida residents increased from 1,663 on June 11, 2020, to 9,585 on June 27, 2020
- Among all Florida residents, the percent positivity for new COVID-19 cases increased from 4.95% on June 11, 2020, to 7.50% on June 27, 2020
- Among Brevard County Residents, the number of new cases per day has increased from 40 on June 11 to 250 on June 27, 2020

WHEREAS, based on the manner in which the coronavirus is spread, and correlation of infection rates with the presence (or absence) of social distancing measures, it is prudent to be concerned that COVID-19 cases will increase exponentially within the City of Titusville if additional measures are not taken to stop or slow the spread of the virus; and

WHEREAS, the City's Comprehensive Emergency Management Plan, and Ch. 252, Fla. Stat., authorize the City Council to take actions when necessary during declared emergencies to ensure the health, safety, and welfare of the community; and

WHEREAS, the City Council finds that encouraging the use of facial coverings in all indoor spaces within the City, subject to conditions, is now necessary to mitigate the spread of COVID-19.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TITUSVILLE, FLORIDA:

**SECTION 1. FACIAL COVERINGS ENCOURAGED**

(a) *Definitions.* As used in this Resolution, certain terms have the meaning ascribed below:

- (1) "Companion" means a person who is accompanying another person.
- (2) "Face Covering" means a 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. Examples of compliant home-made masks



may be found at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>.

(b) *Face Covering Encouraged.* Except as provided below, every person working, living, visiting, or doing business in the City of Titusville is encouraged to wear a Face Covering in any indoor location, other than their home or residence, when not maintaining social distancing from other person(s), excluding family members or Companion(s).

(c) *Effective Date; Expiration.* This Resolution shall become effective upon adoption, and will remain in effect so long as the Local State of Emergency remains in effect, unless specifically rescinded by Mayoral Executive Order or action of the City Council or superseded by any federal or state regulation, including Governor Executive Order.

(d) *Exceptions.*

(1) Nothing herein encourages the wearing of face coverings by any of the following persons:

- A. Persons under the age of six years.
- 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 face-to-face interactions with other persons.
- E. Persons working in a business or profession who maintain social distancing from another person.
- F. Persons working in a business or profession where use of a face covering would prevent them from performing the duties of the business or profession.

G. Persons exercising, while maintaining social distancing.

H. Persons eating or drinking.

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

J. A person speaking with another individual who is hearing-impaired, where the hearing-impaired individual needs to see the person's mouth in order to understand what is spoken.

1) Nothing herein shall be deemed to encourage or allow a person to wear a Face Covering so as to conceal the identity of the wearer in violation of Fla. Stat. Chapter 876.

2) This Resolution shall not control or restrict the conduct of any person while located within any public indoor facility owned or operated by a government agency other than the City. All such government agencies operating public indoor facilities within the City's jurisdictional boundaries are strongly encouraged to adopt and enforce their own policies to help mitigate the spread of COVID-19 within the City.

(e) *Medical and Surgical Face Masks.* Medical and surgical face 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.

(f) *Applicability.*

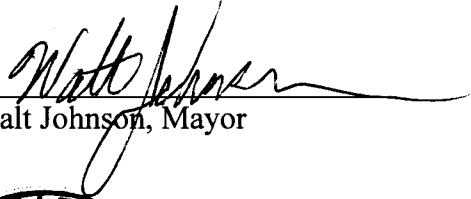
(1) This Resolution is in addition to the Executive Orders issued by Governor DeSantis.

(2) In the event that any provision of this Resolution conflicts with any State or Federal law or constitutional provision, or conflicts with or is superseded by a current

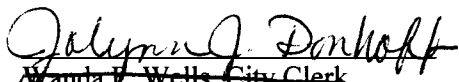
or subsequently-issued Executive Order of the Governor or President of the United States, such provision shall be deemed inapplicable and deemed to be severed from this Resolution, with the remainder of the Resolution remaining intact and in full force and effect.

SECTION 2. EFFECTIVE DATE. This Resolution shall be in full force and effect upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

PASSED AND ADOPTED, this 2<sup>nd</sup> day of July, 2020.

  
Walt Johnson, Mayor

ATTEST:

  
~~Wanda V. Wells, City Clerk~~  
Assistant City Clerk

