



**EMERGENCY ORDER NUMBER 2021-005  
PALM BEACH COUNTY COVID-19  
MODIFICATION OF FACIAL COVERINGS DIRECTIVE**

**WHEREAS**, 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 Palm Beach County; and

**WHEREAS**, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a state of emergency for the State of Florida as a result of COVID-19 and has subsequently extended the state of emergency in accordance with applicable law; and

**WHEREAS**, on March 13, 2020, pursuant to Section 252.38(3)(a)(5), Florida Statutes, Palm Beach County declared a local State of Emergency due to the Coronavirus pandemic, which has since been extended in accordance with applicable law; and

**WHEREAS**, on March 24, 2020, Governor Ron DeSantis also issued Executive Order 20-83 directing the State Surgeon General and the State Health Officer to issue a public health advisory for senior persons and persons that have a serious underlying medical condition that places them at a high risk of severe illness from COVID-19 to stay at home. Such conditions include, but are not limited to, chronic lung disease or moderate to severe asthma, serious heart conditions, immunocompromised status, including those in cancer treatment, and severe obesity; and

**WHEREAS**, Governor Ron DeSantis has issued a number of subsequent Executive Orders in response to the COVID-19 pandemic, including Executive Order 20-112, a Phase 1: Safe Smart Step-by-Step Plan for Florida's Recovery, under which the Governor re-opened certain businesses, and Executive Order 20-120 which, among other things, served to include Palm Beach County under Phase 1, and Executive Order 20-123, in which the Governor extended and brought all Florida counties into Full Phase 1; and

**WHEREAS**, Palm Beach County operated under Phase 1 from May 11, 2020 to September 4, 2020, in accordance with Executive Orders 20-120, 20-123 and Order 20-139, and on September 3, 2020, Governor Ron DeSantis authorized Palm Beach County to move to Phase 2 of the *Safe. Smart. Step-by-Step. Plan for Florida's Recovery*; and

**WHEREAS**, the County Administrator determined that it was necessary and appropriate to issue an emergency order authorizing additional business re-openings in accordance with the direction of Governor DeSantis and Step 1 of the *Incremental Phase 2 Re-Opening Plan* and Emergency Order 2020-024 was issued for that purpose on September 4, 2020; and

**WHEREAS**, on September 25, 2020, Governor DeSantis issued Executive Order 20-244 moving all of Florida's counties into Phase 3. This order authorized all businesses to be open with minimal restrictions; and

**WHEREAS**, in response to the Governor's Executive Order 20-244, the County Administrator, on September 29, 2020, issued Emergency Order 2020-028 repealing all prior emergency orders with the exception of Orders 2020-012 (facial coverings) and 2020-017 (enforcement). Order 2020-028 allowed all businesses and establishments to reopen with adherence to the facial covering order, social distancing, and enhanced cleaning protocols, and indicated that pursuant to Governor DeSantis' Executive Order 20-244, COVID-19 related collection of fines and penalties upon individuals is suspended; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) has affirmed that cloth face coverings are a critical tool in the fight against COVID-19, citing increased evidence that cloth face coverings help prevent people who have COVID-19 from spreading the virus to others and evidence that masks also help reduce the inhalation of virus-laden droplets by the wearer; and

**WHEREAS**, the CDC continues to recommend the use of face coverings, the practice of social distancing, and enhanced cleaning and disinfection to prevent COVID-19 spread; and

**WHEREAS**, the County Administrator issued Emergency Order 2020-012, **Additional Directive on Wearing of Facial Coverings**, on June 24, 2020 mandating the wearing of facial coverings in all businesses, establishments, and in public spaces. The order also required retail establishments and restaurants to post signage containing information regarding sanitization, social distancing, and facial covering requirements. This order, as extended, will expire on May 18, 2021 at 12:01 a.m., unless further extended; and

**WHEREAS**, on April 27, 2021, the CDC issued public health recommendations for fully vaccinated people, noting that the recommendations will be updated and expanded based on the level of community spread of SARS-CoV-2, the proportion of the population that is fully vaccinated, and the rapidly evolving science on COVID-19 vaccines; and

**WHEREAS**, over 30% of the total population of Palm Beach County have been fully vaccinated and an additional 14% have received first doses and, within that population, 71% of persons 65 years of age and older have been fully vaccinated and an additional 14% of persons 65 and older have received their first shot; and

**WHEREAS**, Palm Beach County, the Health Care District of Palm Beach County, and the Department of Health – Palm Beach County, are diligently working to increase the County's vaccination rate in all age categories and insure that the vaccine is readily available to anyone desiring to be vaccinated; and

**WHEREAS**, the CDC has determined that fully vaccinated people may resume various activities with precautions, particularly those taking place outdoors, at low risk to themselves and others; and

**WHEREAS**, the County Administrator, in continuance of the practice of following CDC guidelines and the recommendations of health experts, including those within the Florida Department of Health, has determined that it is in the best interest of the County to modify Emergency Order Number 2020-012 as set forth herein.

**NOW, THEREFORE, IT IS HEREBY ORDERED** pursuant to Palm Beach County Code Chapter 9, Article II, Section 9-35, as well as the authorities granted to me by Declaration of Emergency issued by Governor DeSantis in Executive Order 20-52, by Chapter 252, Florida Statutes, by the Board of County Commissioners, by the Palm Beach County Comprehensive Emergency Management Plan, and as otherwise provided by law, I hereby order as follows:

1. **Recitals.** The foregoing recitals are hereby incorporated herein by reference.
2. **Amendment to Subsection 4.b.** Subsection 4.b. of Executive Order 2020-012, as extended by subsequent order, is hereby amended as follows:

**4.b. Public Places - Facial Coverings Required.** Facial coverings must be worn by all persons in public places where social distancing in accordance with CDC guidelines is not possible or not being practiced. Fully vaccinated people can participate in outdoor activities and recreation without a facial covering or mask, except in certain crowded settings and venues where there is a decreased ability to maintain physical distance. For purposes of this provision, public places shall include any outdoor areas that are open and regularly accessible, including, but not limited to, common areas within private communities accessible to more than one housing unit.

3. **Other Provisions.** All other provisions of Executive Order 2020-012, as extended by subsequent order, remain in full force and effect.
4. **Conflicts.** Any provision(s) within this Order that conflict(s) with any state or federal law or constitutional provision, or conflict(s) with, or are superseded by, a current or subsequently-issued Executive Order of the Governor 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. The provisions of this Order shall supersede the specific provisions of any previously issued County Emergency Order that is contrary to or in conflict with this Order.

5. **Effective Date.** This Order shall be effective as of 12:00 a.m. on May 1, 2021.

**PALM BEACH COUNTY**

By: *Veronica C. Baker*  
County Administrator

4/30/21  
Date

**APPROVED AS TO  
LEGAL SUFFICIENCY**

By: *Denise Marie Nieman*  
County Attorney

**ATTEST**

**CLERK & COMPTROLLER**

By: *[Signature]*