



**MARTIN COUNTY
EMERGENCY ORDER 20-13
(TERMINATION OF MARTIN COUNTY EMERGENCY ORDER 20-11)**

WHEREAS, Section 51.4.C., General Ordinances, Martin County Code, authorizes the Director of the Emergency Management Agency to issue any such orders as are deemed necessary to protect life and property and preserve critical resources; and

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents a wide range of symptoms, some of which are similar to those of influenza; and

WHEREAS, the Centers for Disease Control (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

WHEREAS, the CDC advises that a significant portion of individuals with coronavirus lack symptoms ("asymptomatic") and that even those who eventually develop symptoms ("presymptomatic") 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

WHEREAS, the World Health Organization (WHO) has declared a pandemic related to COVID-19; and

WHEREAS, the Center for Disease Control and Prevention (CDC) has declared the potential public health threat posed by COVID-19 as "high", both in the United States and throughout the world; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, directing that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida regarding the COVID-19 pandemic; and

WHEREAS, it is the duty of Martin County to take protective measures – including activation of the emergency operations center, procurement of personal protective equipment, consequence management, and similar activities to support the public health and safety of the community; and

WHEREAS, at this time, there is no vaccine for COVID-19 and it is easily transmitted among people. As a result, a serious threat of impact from COVID-19 exists throughout Martin County; and

WHEREAS, the spread of COVID-19 poses a danger to life and the economic well-being of Martin County residents; and

WHEREAS, Martin County began implementing preparations to address the serious public health threat on January 31, 2020; and

WHEREAS, the Emergency Management Director has determined that a State of Local Emergency exists within Martin County; and

WHEREAS, on April 1, 2020, the Governor of the State of Florida issued Executive Order 20-91 putting in place a state-wide safer at home order and which permitted various essential businesses and activities during the COVID-19 Emergency; and

WHEREAS, on May 4, 2020, Executive Order 20-112, Phase 1: Safe. Smart. Step-by-Step Plan for Florida's Recovery, which provided measures to slowly re-open Florida, became effective; and

WHEREAS, on May 18, 2020 Executive Order 20-123, Full Phase I: Safe. Smart. Step-by-Step. Plan for Florida's Recovery, which expanded the measures to re-open Florida, became effective; and

WHEREAS, on June 4, 2020, Executive Order 20-139, Phase 2, Safe. Smart. Step-by-Step. Plan for Florida's Recovery further expanding the re-opening of businesses in Florida, became effective.

WHEREAS, since the reopening efforts of Executive Order 20-112, Executive Order 20-123 and Executive Order 20-139, Martin County has seen a significant increase in COVID-19 positive cases, and in particular a spike in positive cases over the weeks since the June 5, 2020, Phase 2 re-opening efforts; and

WHEREAS, Martin County currently has 2,422 positive COVID-19 cases with record-breaking positive COVID-19 tests results coming in daily and an overall positive test percentage rate of 13.2%, one of the highest in the State of Florida;

WHEREAS, the Cleveland Clinic and doctors in our community have expressed grave concern that over the past month, hospital admittance for COVID-19 has had a significant increase in that admittance numbers have been doubling over the course of two-week intervals; and

WHEREAS, 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

WHEREAS, the State of Florida Department of Health, the CDC and the Cleveland Clinic have recommended that all persons wear cloth face coverings while in public to help control the spread of COVID-19; and

WHEREAS, 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.” *S. Bay United Pentecostal Church v. Newsom*, 590 U. S. ____ (2020)(2020 WL 2813056, at 1); and

WHEREAS, Alachua County issued Emergency Order 2020-21 requiring face masks in certain circumstances. The County’s Emergency Order was challenged in Florida’s 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, Florida Circuit Judge Donna M. Kline 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

WHEREAS, on June 19, 2020, Martin County issued Emergency Order 20-11 requiring all workers interacting with the public to wear face masks; and

WHEREAS, Martin County is compelled to take additional steps to minimize the spread of COVID-19 in response to the recent spike in positive COVID-19 cases and hospital admittances to protect the health, safety and welfare of Martin County residents and visitors; and

WHEREAS, Martin County believes that terminating this Emergency Order and requiring all individuals to wear face coverings in public will significantly help reduce the spread of COVID-19 and lessen the positive COVID-19 cases in Martin County; and

WHEREAS, on July 7, 2020, the Board adopted Ordinance 1136, mandating face covering for persons in public thereby eliminating the need for Martin County Emergency Order 20-11.

NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

1. Martin County Emergency Order 20-11, Face Coverings for workers, is hereby terminated by this Order upon Martin County Ordinance 1136 becoming effective.
2. Any provisions within this Order that conflict 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.
3. This Order is in addition to the Executive Orders issued by Governor DeSantis.
4. Prior resolutions and emergency orders remain in full force and effect unless modified or superseded.
5. This Order shall be filed in the Office of the Clerk of the Circuit Court.

Signed this 8th day of July, 2020 at 9:15 (am) (pm).




William Pecoi
Interim Emergency Management Director
Martin County Board of County Commissioners



Concurrence: Taryn Kryzda
County Administrator
Martin County Board of County Commissioners

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Sarah W. Woods
County Attorney
Martin County Board of County Commissioners

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