

**CITY OF SANIBEL**

**PROCLAMATION NO. 20-040**

**AN EMERGENCY PROCLAMATION OF THE VICE MAYOR OF THE CITY OF SANIBEL RELATING TO THE DECLARED STATE OF LOCAL EMERGENCY RESULTING FROM THE OUTBREAK OF THE CORONAVIRUS DISEASE (COVID-19); EXTENDING THE DECLARED STATE OF LOCAL EMERGENCY; MANDATING THE USE OF FACE COVERINGS; TEMPORARILY CLOSING CERTAIN PAID BEACH PARKING; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, COVID-19 is a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death; and

**WHEREAS**, on March 1, 2020, the Governor of Florida issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19 in Florida; and

**WHEREAS**, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19 and enacting the powers of political subdivisions to exercise its powers under Section 252.38, Florida Statutes; and

**WHEREAS**, on March 18, 2020, the City Council of the City of Sanibel passed Proclamation and Resolution Number 20-011, declaring a State of Local Emergency for the City of Sanibel, resulting from the outbreak of COVID-19; and

**WHEREAS**, the State of Local Emergency has been extended by Proclamation each week since the initial declaration, because the still-existent dangers from COVID-19 constitute a clear and present threat to the lives, health, welfare, and safety of the people of the City of Sanibel; and

**WHEREAS**, on April 29, 2020, the Governor of Florida issued Executive Order 20-112, (Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery); and

**WHEREAS**, on June 3, 2020, the Governor of Florida issued Executive Order 20-139 Phase 2: Safe. Smart. Step-by-Step. Plan for Florida's Recovery); and

**WHEREAS**, since the majority of Florida moved into Phase 2 of the Recovery and the economy has substantially reopened, more people are coming into contact with one another, and there have been significant increases in COVID-19 case rates throughout the State of Florida and specifically in Lee County, making clear the COVID-19 pandemic is still fully upon us; and

**WHEREAS**, Sanibel is a day-trip destination for many Lee County residents and a vacation travel destination for people around the state, country, and world; 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

**WHEREAS**, the CDC advises that a significant portion of individuals with COVID-19 are asymptomatic and that even those who eventually develop symptoms can transmit the virus to others before showing symptoms, such that the virus can spread between people interacting in close proximity speaking, coughing, or sneezing, even if those people are not exhibiting symptoms; and

**WHEREAS**, 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

**WHEREAS**, cloth face coverings are inexpensive and readily available as they can be made from household items, and the CDC 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

**WHEREAS**, on June 22, 2020, the Florida Surgeon General issued the Public Health Advisory attached hereto as Exhibit A, stating all individuals in Florida should wear face coverings in any setting where social distancing is not possible, with certain limited exceptions; and

**WHEREAS**, the Florida Surgeon General, the CDC, and other health authorities have three basic recommended health approaches to slow the transmission of COVID-19: frequent hand washing or sanitizing, the use of face coverings, and social distancing; and

**WHEREAS**, within the City of Sanibel, a significant number of individuals are not following the recommendations to use face coverings or practice proper social distancing; and

**WHEREAS**, City Council previously voted in favor of requiring all places of public accommodation strictly adhere to CDC guidelines, including the wearing of face coverings, with the interpretation that adherence to *guidelines* did not constitute a *mandate* for wearing face coverings; and

**WHEREAS**, some individuals and businesses on Sanibel have embraced the wearing of face coverings, while many others have not; and

**WHEREAS**, to mitigate the further spread of COVID-19 and thereby reduce the potential that Stay at Home orders or other significant restrictions will be reinstated, more stringent precautions are necessary to curb the spread of COVID-19 on Sanibel; and

**WHEREAS**, during a public health crisis, protecting the health and safety of Sanibel’s residents and visitors is among the most important functions of City government; and

**WHEREAS**, the inconvenience of the use of a face coverings is minimal compared to the risk to the health, safety, and welfare of the community if no such rule is imposed; and

**WHEREAS**, at its June 30, 2020 special meeting, the majority of City Council voted in support of mandating the wearing of face coverings beginning at 12:01 a.m. July 3, 2020, as more specifically described as follows:

1. For the purposes of this restriction, the following terms are defined as follows:
  - a. “face covering” means a breathable material that covers the nose and mouth of an individual, secured with ties or straps or otherwise wrapped around the lower face, whether purchased, homemade or improvised.
  - b. “business or other place of public accommodation” means a location with a roof overhead under which any business is conducted, goods are made or stored or processed, or where services are rendered, which includes locations where for-profit, non-profit, and governmental entities facilitate public interactions and conduct business, but it does not include places of religious worship, such as churches and synagogues.
2. Every person over two years of age who is away from his or her place of residence should carry a face covering capable of immediate use.
3. Every person over two years of age who is away from his or her residence should wear a face covering when closer than six feet to another person with whom he or she does not reside.
4. Individuals—whether an owner, worker, patron, or otherwise—of a business or other place of public accommodation are required to wear a face covering while indoors within that business or public accommodation.
5. Individuals are not required to wear a face covering while outdoors in public areas anywhere with appropriate social distancing of six or more feet between individuals who do not reside together, including but without limitation, at the beach, on the shared use path, or playing golf.
6. The requirement to wear a face covering does not apply to any of the following individuals (although such individuals are not prohibited by this restriction from wearing face coverings if they so choose):
  - a. Children under two years of age;
  - b. Individuals who have one or more medical conditions or disabilities that prevent wearing a mask or otherwise would cause impairment due to an existing health condition;

- c. Individuals obtaining a service from a barbershop, beauty salon, or other type of service involving the head or face, where temporary removal of the face covering is necessary to perform the service;
- d. Individuals who are engaged in work where use of a face covering will not be compatible with the duties of the profession;
- e. Restaurant or bar customers or patrons, only while seated at a table or bar.
- f. Individuals who are exercising.
- g. Owners or workers in an area of the business or other place of public accommodation that is not open to customers, patrons, or the public, provided that six feet of distance exists between any owners or workers. **This exception does not apply to owners or workers in the kitchen or other food and beverage preparation area of a restaurant or food establishment.**
- h. Guests when inside of a hotel room, motel room, vacation rental unit, timeshare unit, or similar unit.
- i. Individuals worshiping in a church, synagogue or other place of religious worship.

- 7. Violations shall be subject to fines of \$50 per violation. Businesses or other places of public accommodation are encouraged to post signage of this Proclamation and adopt a “no mask, no service” policy to facilitate enforcement.

**WHEREAS**, at its June 30, 2020 special meeting, the majority of City Council also voted in support of temporarily closing, from 12:01 a.m. July 3, 2020 through 11:59 p.m. July 6, 2020, certain paid beach parking facilities, including Blind Pass parking lot, Gulfside City Park (Algiers) parking lot, Lighthouse Beach & Fishing Pier parking lot, Tarpon Bay Beach parking lot, Trost parking lot, and the City boat ramp parking lot, except the City boat ramp parking lot closure shall not prohibit “A” and “AC” parking permit holders to utilize the facilities or parking at the City boat ramp; and

**WHEREAS**, Section 252.38(3), Florida Statutes, provides certain emergency powers to political subdivisions, including “taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community”; and

**WHEREAS**, pursuant to Section 252.46, Florida Statutes, municipalities have the power to issue emergency orders with the force of law; and

**WHEREAS**, Chapter 22 of the City’s Code authorizes and empowers the Mayor to issue public proclamations declaring a State of Local Emergency; and, during a state of emergency, impose certain prohibitions and restrictions to protect lives and safety, including Section 22-53, which provides that such a proclamation may prohibit or restrict the “operation of offices, business establishments and other places to or from which people may travel or at which they may congregate; and other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives”; and

**WHEREAS**, the Mayor is absent with a family emergency, and the Vice Mayor has the power and authority to issue this Proclamation pursuant to Section 22-56, Sanibel Code; and

**NOW, THEREFORE, BE IT PROCLAIMED** by the Vice Mayor of the City of Sanibel, Florida:

**SECTION 1. Findings.** The above recitals are adopted as legislative findings.

**SECTION 2. Extension of Declared State of Local Emergency.** The State of Local Emergency is hereby extended for a period of seven (7) days, from June 30, 2020 through July 7, 2020, and may be further extended, modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.

**SECTION 3. Mandating the Use of Face Coverings.** Effective 12:01 a.m. Friday, July 3, 2020, through the duration of this State of Local Emergency, unless modified or terminated by written Proclamation of the Mayor or by Resolution of City Council, the use of face coverings are required as follows:

1. For the purposes of this restriction, the following terms are defined as follows:
  - a. “face covering” means a breathable material that covers the nose and mouth of an individual, secured with ties or straps or otherwise wrapped around the lower face, whether purchased, homemade or improvised.
  - b. “business or other place of public accommodation” means a location with a roof overhead under which any business is conducted, goods are made or stored or processed, or where services are rendered, which includes locations where for-profit, non-profit, and governmental entities facilitate public interactions and conduct business, but it does not include places of religious worship, such as churches and synagogues.
2. Every person over two years of age who is away from his or her place of residence should carry a face covering capable of immediate use.
3. Every person over two years of age who is away from his or her residence should wear a face covering when closer than six feet to another person with whom he or she does not reside.
4. Individuals—whether an owner, worker, patron, or otherwise—of a business or other place of public accommodation are required to wear a face covering while indoors within that business or public accommodation.
5. Individuals are not required to wear a face covering while outdoors in public areas anywhere with appropriate social distancing of six or more feet between

individuals who do not reside together, including but without limitation, at the beach, on the shared use path, or playing golf.

6. The requirement to wear a face covering does not apply to any of the following individuals (although such individuals are not prohibited by this restriction from wearing face coverings if they so choose):
  - a. Children under two years of age;
  - b. Individuals who have one or more medical conditions or disabilities that prevent wearing a mask or otherwise would cause impairment due to an existing health condition;
  - c. Individuals obtaining a service from a barbershop, beauty salon, or other type of service involving the head or face, where temporary removal of the face covering is necessary to perform the service;
  - d. Individuals who are engaged in work where use of a face covering will not be compatible with the duties of the profession;
  - e. Restaurant or bar customers or patrons, only while seated at a table or bar.
  - f. Individuals who are exercising.
  - g. Owners or workers in an area of the business or other place of public accommodation that is not open to customers, patrons, or the public, provided that six feet of distance exists between any owners or workers. **This exception does not apply to owners or workers in the kitchen or other food and beverage preparation area of a restaurant or food establishment.**
  - h. Guests when inside of a hotel room, motel room, vacation rental unit, timeshare unit, or similar unit.
  - i. Individuals worshipping in a church, synagogue or other place of religious worship.
7. Violations shall be subject to fines of \$50 per violation. Businesses or other places of public accommodation are encouraged to post signage of this Proclamation and adopt a “no mask, no service” policy to facilitate enforcement.

**SECTION 4. Temporary Closure of Certain Paid Beach Parking.** Effective from 12:01 a.m. July 3, 2020 through 11:59 p.m. July 6, 2020, the following paid beach parking facilities shall be closed: Blind Pass parking lot, Gulfside City Park (Algiers) parking lot, Lighthouse Beach & Fishing Pier parking lot, Tarpon Bay Beach parking lot, Trost parking lot, and the City boat ramp parking lot, except the City boat ramp parking lot closure shall not prohibit “A” and “AC” parking permit holders to utilize the facilities or parking at the City boat ramp; and

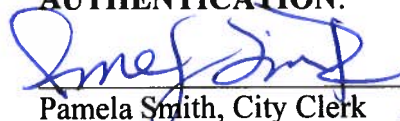
**SECTION 5. Necessary for Protection.** This Proclamation is an emergency measure necessary for the protection of the public health, safety, and welfare of the community, due to the serious threat of COVID-19.

**SECTION 6. Effective Date.** This Proclamation shall take effect immediately upon execution and shall remain in effect through the duration of this State of Local Emergency, unless modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.



\_\_\_\_\_  
Mick Denham, Vice Mayor

**AUTHENTICATION:**



\_\_\_\_\_  
Pamela Smith, City Clerk

2:47

a.m. / p.m.  
(Time)

**APPROVED AS TO FORM:**



\_\_\_\_\_  
John D. Agnew, City Attorney

6/30/20  
Date

**Mission:**

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

**Ron DeSantis**  
Governor



RECEIVED  
HEALTH!  
2020 JUN 22 AM 8:16

**Scott A. Rivkees, MD**  
State Surgeon General

Vision: To be the Healthiest State in the Nation

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
PUBLIC HEALTH ADVISORY**

In Re:  
UPDATED MEASURES TO ENSURE  
PROTECTION OF PUBLIC HEALTH  
IN RESPONSE TO COVID-19

**WHEREAS**, on March 25, 2020, I issued a public health advisory relating to protective measures for vulnerable populations, gatherings of private citizens and density of the workforce; and

**WHEREAS**, on May 4, 2020, Governor Ron DeSantis implemented Phase 1 of Florida's recovery, a plan in which the Governor's Task Force recommended encouraging individuals to limit their personal interactions outside of the home, permitting certain personal services to resume in the State of Florida, and advising individuals to wear face coverings in instances in which social distancing is impractical; and

**WHEREAS**, on June 5, 2020, Governor Ron DeSantis implemented Phase 2 of Florida's recovery plan for the majority of Florida's counties, encouraging individuals to follow appropriate social distancing and safety protocols issued by the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) in their personal interactions outside of the home; and

**WHEREAS**, pursuant to the authority granted in Section 381.00315(1), Florida Statutes, I, Scott A. Rivkees, M.D., as State Surgeon General and State Health Officer, determine that a public health advisory is necessary as a result of COVID-19 to protect the

**Florida Department of Health**  
**Office of the State Surgeon General**  
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**FloridaHealth.gov**



**Accredited Health Department**  
Public Health Accreditation Board



public health and safety, and hereby issue the following public health advisory, which shall serve to amend the public health advisory issued on March 25, 2020.

### **WEARING FACE COVERINGS**

All individuals in Florida should wear face coverings in any setting where social distancing is not possible, unless any of the following is applicable:

- A child is under two years of age;
- An individual has one or more medical conditions or disabilities that prevent wearing a face covering;
- An individual is obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- An individual works in a profession where use of a face covering will not be compatible with the duties of the profession; or
- An individual is engaged in outdoor work or recreation with appropriate social distancing in place.

All individuals should follow CDC guidelines on what type of face coverings are available and should be utilized.

### **VULNERABLE POPULATIONS**

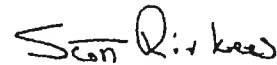
All individuals over the age of 65 and all individuals of any age with high-risk health conditions should limit personal interactions outside of the home and take all measures to limit the risk of exposure to COVID-19. These measures include, but are not limited to: distancing any unavoidable personal contact by a minimum of six feet; wearing a face covering when social distancing is not possible; washing hands often with soap and water for at least 20 seconds, or using hand sanitizer with at least 60% alcohol; avoiding unnecessary touching of eyes, nose, and mouth, and washing hands prior to doing so; and cleaning and disinfecting high-touch surfaces, including entryway door handles.

High-risk health conditions include, but are not limited to: chronic lung disease; moderate to severe asthma; serious heart conditions; immunocompromised status (as a result of cancer treatment, bone marrow or organ transplant, immune deficiencies, poorly controlled HIV or AIDS, or prolonged use of corticosteroids and other immune weakening medications); cancer; severe obesity (body mass index [BMI]>40); diabetes; renal failure; and liver disease.

#### **GATHERINGS OF PRIVATE CITIZENS**

All individuals should refrain from participation in social or recreational gatherings of more than 50 people. For all gatherings of fewer than 50 people, individuals should practice social distancing by maintaining a distance of at least six feet from each other and wear a face covering.

Issued this 20th day of June 2020, in Department of Health offices, Tallahassee, Leon County, Florida.



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Scott A. Rivkees, M.D.  
State Surgeon General