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**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA**

JOSIE MACHOVEC, CARL HOLME,
RACHEL EADE and ROBERT SPREITZER

CASE NO:

Plaintiffs

v.

PALM BEACH COUNTY, a political
subdivision of the State of Florida,

Defendant.

_____ /

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT
AND EMERGENCY INJUNCTIVE RELIEF**

Plaintiffs, JOSIE MACHOVIC, CARL HOLME, RACHEL EADE and ROBERT SPREITZER, by and through the undersigned counsel, hereby sue Defendant, PALM BEACH COUNTY, a political subdivision of the State of Florida, (hereinafter "Palm Beach County"), and state as follows:

INTRODUCTION

1. This action stems from the Defendant Palm Beach County's infringement upon well-settled constitutionally protected freedoms of over a million Palm Beach County residents and visitors, including but not limited to our constitutional and fundamental human right to privacy and bodily autonomy. Despite having no authority, actual or apparent, under Florida law to do so, Defendant has recklessly required countless American citizens and Florida residents, including the Plaintiffs, to submit to dangerous medical treatments with well-known risks and potential for serious injuries and death, including being forced to wear harmful medical devices like masks.

JURISDICTION AND VENUE

2. This is a lawsuit for declaratory and injunctive relief pursuant to § 86.011, Fla. Stat.

3. Venue is proper in Palm Beach County, Florida pursuant to § 47.011, Fla. Stat., because it is where the cause of action accrued and because all or part of the claim for relief at issue in this litigation arose in Palm Beach County, and it relates to unlawful orders issued by the County and its agents, including but not limited to the Palm Beach County Board of Commissioners.

PARTIES

4. Plaintiff Josie Machovec is a Florida resident, a resident of Palm Beach County who has been severely impacted by orders issued by Defendant Palm Beach County that interferes with her personal liberty, and constitutional rights, including but not limited to freedom of speech, right to privacy, in addition to the constitutionally protected right to enjoy and defend life and liberty.

5. Plaintiff Carl Holme is a Florida resident, a resident of Palm Beach County, and a business owner who has been severely impacted by orders issued by Defendant Palm Beach County that interferes with his personal liberty, and constitutional rights, including but not limited to freedom of speech, right to privacy, in addition to the constitutionally protected right to enjoy and defend life and liberty.

6. Plaintiff Rachel Eade is a Florida resident, a resident of Palm Beach County, and a business owner who has been severely impacted by orders issued by Defendant Palm Beach County that interferes with her personal liberty, and constitutional rights, including but not limited to freedom of speech, right to privacy, in addition to the constitutionally protected right to enjoy and defend life and liberty.

7. Plaintiff Robert Spreitzer is a Florida resident, a resident of Palm Beach County, and retired public employee with over 30 years of public service who has been severely impacted by orders issued by Defendant Palm Beach County that interferes with his personal liberty, and constitutional

rights, including but not limited to freedom of speech, right to privacy, in addition to the constitutionally protected right to enjoy and defend life and liberty.

8. Defendant Palm Beach County is a home rule charter county, a political subdivision of the State of Florida managed by the Palm Beach County Board of County Commissioners ("BOCC"), which is, and was and at all times material to this Complaint comprised of the following officials: Palm Beach County Mayor Dave Kerner, Vice Mayor Robert S. Weinroth, Hal R. Veleche, Gregg K. Weiss, Mary Lou Berger, Melissa McKinlay and Mack Bernard (hereinafter the "Commissioners").

FACTS

9. On February 27, 2020, the CDC announced that it does not recommend the use of face masks to prevent COVID-19. *See*: <https://twitter.com/cdcgov/status/1233134710638825473>.

10. On April 16, 2020, The White House released "Guidelines for Opening Up America Again," (the "Guidelines") a publication that included a three-phased approach to opening the country during the response to the virus known as COVID-19 and based on the advice of public health experts. The Guidelines advised that individuals "strongly *consider* using face coverings while in public." *Guidelines for Opening Up America Again*, The White House (4-16-2020.) (emphasis added).

11. Afterwards, on April 29th, 2020, Florida Governor Ron DeSantis issued Executive Order 20-112, which included a "phased approach" to reopening Florida, which did not include the requirement for Floridians to wear face masks in any setting. Executive Order 20-112, *Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery*, State of Florida, (April 29th, 2020). Executive Order 20-112 left it up to an individual's discretion whether to wear a face mask.

12. Prior to unlawfully mandating masks in Palm Beach County, the County recommended, but did not mandate that masks be worn. In fact, the Defendant discouraged residents from using surgical masks or N95 rated masks. *See* Exhibit “A”, Emergency Order 2020-004 (“Persons utilizing facial coverings should not procure surgical masks or N95 rated masks, as those are critical supplies for health care workers, law enforcement, fire-rescue, emergency management, or other persons engaged in life and safety activities.”).

13. On May 26, 2020, the Food and Drug Administration (“FDA”) issued non-binding recommendations indicating that face masks, face shields, and N95 respirators are medical devices when they meet the definition of a device set forth in section 201(h) of the FD&C Act when they are intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment, or prevention of disease.” *See*: <https://www.fda.gov/media/136449/download>.

14. On June 5, 2020, the BOCC entered Emergency Order Number 10 making it, unlike the existing national and state emergency orders, a mandatory requirement for all persons accessing Palm Beach County governmental buildings to wear facial coverings at all times while present in the building. *See* Exhibit “B”. Since then, various employees and officials of the Defendant county have been observed and recorded not wearing facial coverings at all times, as purportedly required, including but not limited to Palm Beach County Mayor Dave Kerner.

15. On June 11, 2020, the BOCC entered Emergency Order Number 11 imposing further facial covering mandates, including requiring facial coverings, at all municipal, public, and privately run golf courses in Palm Beach County. *See* Exhibit C. (“Designated signage shall be placed outside the pro-shop and clubhouse outlining the social distancing and facial covering mandates of the CDC Guidelines.”).

16. CDC Guidelines and recommendations are not mandates and do not have the force or effect of federal or state law. Moreover, when CDC Guidelines and recommendations are converted to mandates by counties, including but not limited to the Defendant, they are subject to both the Florida Constitution and U.S. Constitution. “The supreme court has construed the phrase ‘not inconsistent with general law’ to mean ‘contradictory in the sense of legislative provisions which cannot coexist.’ *State v. Sarasota County*, 549 So. 2d 659, 660 (Fla.1989); *Pinellas County v. Eight is Enough in Pinellas*, 775 So. 2d 317 (Fla. App. 2000) (referencing Article VIII Section 1 (g) of our Florida Constitution); *See also* Governor Ron DeSantis’ Executive Order 20-52 (“the CDC currently recommends . . . wearing a facemask *if advised to do so by a healthcare provider or by a public health official* . . .”) (emphasis added).

17. On June 5, 2020, Palm Beach County Mayor Dave Kerner wrote a letter to Governor DeSantis requesting consideration of phase 2 re-opening of Palm Beach County, including entertainment businesses and bars, citing to “conditions and indicators related to the spread of COVID-19” and that existing plans have been “protective of public health”. *See* Exhibit “D”. To date, the Board of County Commissioners has not rescinded its request to re-open the county. Despite representing to the Governor that Palm Beach County is ready to re-open, Defendant has entered a series of unconstitutional emergency orders available online at: <http://discover.pbcgov.org/coronavirus/Pages/Orders.aspx>, including Defendant’s Mask Mandate.

THE SCIENCE IGNORED BY DEFENDANT’S COMMISSIONERS

18. Pandemics, like the purported COVID-19 pandemic, are nothing new or novel. Diseases like coronaviruses have been known about and studied for generations. Prior to 2020, neither the State of Florida, nor Defendant Palm Beach County has ever mandated facial coverings as means to prevent or slow the spread of any disease and there is no new evidence proving that is possible.

19. On June 8th, after months of data had been collected and analyzed regarding COVID-19, the World Health Organization ("WHO") announced that "[f]rom the data we have, it still seems to be rare that an asymptomatic person actually transmits onward to a secondary individual," casting serious doubt on the rationality and effectiveness of wearing masks in public places. William Feuer, *Asymptomatic spread of coronavirus is 'very rare,' WHO says*, CNBC, June 8th, 2020, at 1, located at <https://www.cnbc.com/2020/06/08/asymptomatic-coronavirus-patients-arent-spreading-new-infections-who-says.html>.

20. The Occupational Safety and Health Administration (OSHA) website plainly states that cloth face masks "will not protect the wearer against airborne transmissible infectious agents due to loose fit and lack of seal or inadequate filtration." OSHA also states that surgical masks "will not protect the wearer against airborne transmissible infectious agents due to loose fit and lack of seal or inadequate filtration." See <https://www.osha.gov/SLTC/covid-19/covid-19-faq.html>.

21. As for the scientific support for the use of face masks, there are no scientific studies available to date establishing a conclusive relationship between the use of facial coverings and protection against influenza infection. **Bin-Reza, F. et al.** (2012) "The use of mask and respirators to prevent transmission of influenza: A systematic review of the scientific evidence." *Influenza and other Respiratory Viruses* 6(4):257-67. See <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5779801/>. Moreover, no studies have been done to demonstrate a cloth mask or N95 mask has any effect on transmission of the COVID-19 virus.

22. A recent study involving 158 healthcare workers aged 21 to 35 years of age found that 81% developed headaches from wearing a face mask. **JJY et al.** (2020) "Headaches Associated with Personal Protective Equipment-A Cross Sectional Study Among Frontline Healthcare Workers

During COVID-19,” *Journal of Head and Face Pain*, May 2020, Vol. 60 Issue 5; 864-877.
See: <https://headachejournal.onlinelibrary.wiley.com/doi/full/10.1111/head.13811>.

23. In another study of surgical masks, researchers examined the blood oxygen levels in 53 surgeons using an oximeter, measuring blood oxygenation before surgery as well as at the end of surgeries. It was discovered that surgical masks reduced the blood oxygen levels (paO_2) significantly. The longer the duration of wearing the mask, the greater the fall in blood oxygen levels. **Bader A et al.** (2008) “Preliminary report on surgical mask induced deoxygenation during major surgery,” *Neurocirugia* 2008;19:12-126.

24. Moreover, people with cancer who are forced to wear masks are at further risk from prolonged hypoxia as the cancer grows best in a microenvironment that is low in oxygen. Low oxygen also promotes inflammation which can promote the growth, invasion and spread of cancers. **Blaylock RL.** (2013) “Immunoexcitatory mechanisms in glioma proliferation, invasion and occasional metastasis,” *Surg Neurol Inter* January 29, 2013; 4:15. See: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3589840/>; see also **Aggarwal BB.** (2004) “Nuclear factor-kappaB: The enemy within,” *A Cell Press Journal* September 1, 2004, Vol. 6, Issue 5; 203-208. See [https://www.cell.com/cancer-cell/fulltext/S1535-6108\(04\)00244-2](https://www.cell.com/cancer-cell/fulltext/S1535-6108(04)00244-2).

25. “Face mask use in health care workers has not been demonstrated to provide benefit in terms of cold symptoms or getting colds.” **Jacobs, J. L. et al.** (2009) “Use of surgical face masks to reduce the incidence of the common cold among health care workers in Japan: A randomized controlled trial,” *American Journal of Infection Control*, 2009, Vol. 37, Issue 5; 417-419. See <https://www.ncbi.nlm.nih.gov/pubmed/19216002>.

26. “Among 2862 randomized participants, 2371 completed the study... Among outpatient health care personnel, N95 respirators vs medical masks as worn by participants in this trial

resulted in no significant difference in the incidence of laboratory-confirmed influenza.”

Radonovich, L.J. et al. (2019) “N95 Respirators vs Medical Masks for Preventing Influenza Among Health Care Personnel: A Randomized Clinical Trial,” *JAMA*. 2019, 322(9): 824–833. See <https://jamanetwork.com/journals/jama/fullarticle/2749214>.

27. “...9,171 participants were included. There were no statistically significant differences in preventing laboratory-confirmed influenza, laboratory-confirmed respiratory viral infections, laboratory-confirmed respiratory infection, and influenza-like illness using N95 respirators and surgical masks”. **Long Y., Hu T., Liu L. et al. (2020)** “Effectiveness of N95 respirators versus surgical masks against influenza: A systematic review and meta-analysis,” *J Evid Based Med*. 2020, 13:93-101. See <https://onlinelibrary.wiley.com/doi/epdf/10.1111/jebm.12381>.

28. “Overall, the results of the study indicate that speech and low work rates significantly increase CO₂ rebreathing in RPDs. Based on Australian respirator design standards, it is evident that speech could contribute to inspired CO₂ exceeding the maximal allowable concentrations in inspired air.” **Smith, C. et al. (2013)** “Carbon Dioxide rebreathing in respiratory protective devices, influence speech and work rate in full face mask,” *Ergonomics*. 2013; Vol. 56, Issue 5. See <https://www.tandfonline.com/doi/abs/10.1080/00140139.2013.777128>.

29. “Wearing N95 masks results in hypooxygenemia and hypercapnia which reduce working efficiency and the ability to make correct decision...dizziness, headache, and short of breath are commonly experienced by the medical staff wearing N95 masks. The ability to make correct decision may be hampered, too. The purpose of the study was therefore to evaluate the physiological impact of N95 mask on medical staff.” *Clinical Trial NCT00173017* “The Physiological impact of N95 mask on medical staff” June 2005. See <https://clinicaltrials.gov/ct2/show/NCT00173017>.

30. “Therefore, it can be concluded that N95 and surgical facemasks can induce significantly different temperatures and humidity in the microclimates of facemasks, which have profound influences on heart rate and thermal stress and subjective perception of discomfort.” **Y. Li. et al.** (2005) “Effects of wearing N95 and surgical facemasks on heart rate, thermal stress and subjective sensations,” *Int Arch Occup Environ Health*. 2005; 78(6): 501–509. Published online 2005 May 26. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7087880/>.
31. Facial covering do not protect against droplets in eyes, and will not protect humans from spreading the virus to other humans. **Klompas, M. et al.** (2020) “Universal Masking of Hospitals in the Covid- 19 Era,” *The New England journal of Medicine*. May 21, 2020; 382:e63 DOI: 10.1056/NEJMp2006372. <https://www.nejm.org/doi/full/10.1056/NEJMp2006372>
32. Wearing a facemask, may cause physiological changes to the Nasal Cavity and statistically significant heart rate and thermal stresses. **Zhu, J. et al.** (2014) “Effects of long-duration wearing of N95 respirator and surgical facemask: a pilot study,” *Lung Pulmonary and Respiratory Research*. November 22 2014; EISSN: 2376-0060. <https://medcraveonline.com/JLPRR/effects-of-long-duration-wearing-of-n95-respirator-and-surgical-facemask-a-pilot-study.html>.
33. The CDC’s own report on May 22, 2020 indicated that symptomatic carriers of COVID – 19, ranging from mild to severe have a 99.6 Percent rate of survival. See <https://web.archive.org/web/20200522214936/https://www.cdc.gov/coronavirus/2019-ncov/hcp/planning-scenarios-h.pdf>.
34. During a press conference on June 19, 2020, Palm Beach County Mayor Kerner announced the formation of the “COVID Education and Compliance Team” to purportedly educate and bring businesses into compliance with Defendant’s new mandates, including facial mask requirements.

35. On June 22, the Florida Surgeon General issued a non-mandatory public health advisory “encouraging” but not requiring individuals to follow both CDC recommendations and safety protocols issued by OSHA. *See* Exhibit “E”.

36. Before voting in favor of the unlawful order, Defendant Palm Beach County's Vice Mayor Robert Weinroth admitted during a public hearing held on June 28, 2020, that Defendant's Mask Mandate is a mistake and also compared the penalty for not wearing a mask to pulling people over for speeding. *See* <https://www.facebook.com/pbcgov/videos/613071185980642/>. (“I hate the idea of talking about mandatory face coverings . . . it goes against my grain and I said at the last meeting and I was picked apart about it, that it was a mistake . . . this needs to be a civil citation . . . this is not the way that we want our community to act and I feel that a civil citation just the same way as we treat a speeder is the way to go . . .”).

37. Defendant's Commissioner Gregg Weiss also indicated during public hearings before enacting Defendant's Mask Mandate his intent to extend Defendant's unlawful Mask Mandate to a length of time not permitted by Florida law. *See Id.* (“We are continuing to move in the wrong direction . . . 30 days—I think that is too soon . . . we have to learn to live with this virus and the way we live with the virus is by physical distancing . . . and when not able to physical distance we have to find some other barrier . . . by wearing a face covering so that when we breathe or we speak or we do anything that, those particles don't fall far away from us, that they're kept very close to us so they don't infect other people . . . personally I thought that we should go for a year, but I could set it for four months . . . four months would be an appropriate amount of time . . . I would rather that we would extend this out . . .”). *Id.*

38. Defendant's Commissioner Melissa McKinlay, who voted for the unlawful mandate and suggested it be extended every thirty days, also compared unlawfully forcing people to wear

medical devices that restrict oxygen on their faces as somehow akin to seatbelt laws, which is fallacious and unreasonable considering the fact that driving a heavily regulated motor vehicle is a privilege that is, as a matter of law, unlike a fundamental constitutional and human right such as breathing fresh air. Commissioner McKinlay, before violating her Art. VI § 3 oath to protect and defend the Constitution of the United States and Constitution of the State of Florida, boasted that "the idea that we are somehow trampling the U.S. Constitution does not resonate with me". *Id.*

39. An overwhelming number of Palm Beach County residents spoke out against Defendant's Mask Mandate on the June 23, 2020 meeting. *Id.* It should be noted that the Defendant's Mayor Dave Kerner, evidencing clear disdain for freedom of speech, arbitrarily limited public comments to only two minutes instead of the customary three minutes afforded to speakers. At a prior meeting concerning unconstitutional restrictions being considered by the Defendant's Commissioners, Mayor Kerner attempted to limit the public comment time limit to only one minute, but then backtracked after many members of the public expressed outrage over the announcement. *See:* <https://www.facebook.com/pbcgov/videos/324834345147966/>.

40. On June 23, 2020, despite overwhelming opposition from Palm Beach County residents, the Defendant's BOCC voted unanimously (7-0) to mandate masks for Palm Beach County.

41. Before signing the emergency order giving rise to the above-captioned action Defendant's Mayor Dave Kerner reportedly informed the South Florida Sun Sentinel that Defendant Palm Beach County will require facial coverings and people who violate the rules could be fined. *See* <https://www.sun-sentinel.com/coronavirus/fl-ne-masks-palm-beach-commission-masks-20200623-65unmcrh7vcerb3aphn4z2czem-story.html>

42. On June 24, 2020, Defendant Palm Beach County entered Emergency Order Number 2020-012. (hereinafter “Defendant’s Mask Mandate” and/or “EO #12”). *See* Exhibit “D”. Portions of Defendant’s Mask Mandate includes the following requirements:

5. A facial covering includes any covering which snugly covers the nose and mouth, whether store bought or homemade, mask or clothing covering including but not limited to, a scarf, bandana, handkerchief, or other similar cloth covering and which is secured in place. Examples of compliant homemade facial coverings may be found on the CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

Persons wearing face coverings should review the CDC and Florida Department of Health guidelines regarding safely wearing, removing, and cleaning facial coverings. Persons should not procure N95-rated masks for general use as those are critical supplies for health care workers, law enforcement, fire-rescue, emergency management, or other persons engaged in life and safety activities. In addition, in lieu of a facial covering as defined in this section, persons may wear clear, plastic face shields, consisting of a piece of rigid, clear plastic attached to a headband that extends below the chin, whether store or homemade. For persons who are unable to safely utilize face coverings, businesses shall offer accommodation when required by the Americans with Disabilities Act which may include, but is not limited to, offering curbside service or any other reasonable accommodation.

6. **Compliance.** All businesses and establishments as provided for in Section 4 of this Order shall ensure compliance with the provisions of this Order and shall establish a process for verification of compliance upon customer entry into the establishment. A failure to establish and ensure such compliance may result in fines, penalties, and/or any other enforcement measures against the business as set forth in this order and as otherwise authorized by law.

...

8. **Enforcement:** The Sheriff of Palm Beach County, other law enforcement agencies including municipal law enforcement agencies, and any other personnel authorized by law, including but not limited to, the personnel described in Section 9-37 of the Palm Beach County Code of Ordinances, are authorized to enforce this Order. Compliance and enforcement processes shall include the provision of a warning and opportunity to correct before citations resulting in fines are issued. Authorized personnel may issue civil citations resulting in fines not to exceed two hundred fifty dollars (\$250) for the first violation and five hundred dollars (\$500) for each additional violation. Each incident of a continuing violation shall be deemed a separate additional violation. A fine schedule specific to individuals and businesses will be established by Board of County Commissioners resolution for implementation of this section.

43. Defendant's Mask Mandate also requires all Palm Beach County businesses and establishments to conspicuously post a sign at all entry points attached to as Exhibit 1 to EO #12, stating:

BY ORDER OF PALM BEACH COUNTY

Facial Coverings Required

Absent a legal exception, all patrons must wear facial coverings except while actively consuming food or beverage. This means you must wear a facial covering when entering, exiting, or otherwise away from your assigned table, including when visiting the restroom.

Staff must wear facial coverings during all in-person interactions with the public.

Social Distancing

Even while wearing facial coverings, **patrons must, wherever possible, maintain six feet of social distancing**, including while waiting to be seated.

44. Defendant's Mask Mandate also requires all Palm Beach County retail and other establishments to conspicuously post a sign at all entry points attached to the order as Exhibit 2, stating:

BY ORDER OF PALM BEACH COUNTY

Facial Coverings Required

Absent a legal exception, all patrons must wear facial coverings, including while entering, exiting, or otherwise moving around an establishment.

Staff must wear facial coverings during all in-person interactions with the public.

Social Distancing

Even while wearing facial coverings, **patrons must, wherever possible, maintain six feet of social distancing**, including while waiting to be seated.

See Exhibit "D", pages 7-8.

45. Defendant's order further states "This Order shall be effective as of 12:01 a.m. on June 25, 2020 and shall automatically expire at 12:01 a.m. on July 24, 2020, unless extended by subsequent order or Board of County Commissioner action. In addition, this Order may be terminated at any time by subsequent order or Board of County Commissioners action."

46. Plaintiffs are Palm Beach County residents who have and will continue to suffer irreparable harm by Defendant's Mask Mandate and other unconstitutional restrictions, including social distancing mandates, and any similarly unconstitutional orders enacted by the Palm Beach County Board of Commissioners.

47. There is a bona fide dispute between the parties and a need for a declaration as to the constitutionality of Defendant's Mask Mandate, as to which the parties have actual, present, adverse, and antagonistic interests. The facts relevant to the dispute are well-known and readily ascertainable. Plaintiffs are not merely seeking legal advice from the court. Plaintiffs present actual disputes and have ascertainable powers, rights, and authority under the Florida Constitution.

FLORIDA CONSTITUTION

Basic Rights

48. Article I, Section 2, of the Florida Constitution states as follows: "Basic rights.—All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability." Art I, 2, Fla. Const.

49. As the Florida Supreme Court explained in *Traylor v. State*, 596 So. 2d 957 (Fla. 1992):

"When called upon to decide matters of fundamental rights, Florida's state courts are bound under federalist principles to give primacy to our state Constitution and to give independent legal import to every phrase and clause contained therein. We are similarly bound under our Declaration of Rights to construe each provision

freely in order to achieve the primary goal of individual freedom and autonomy. The text of our Florida Constitution begins with a Declaration of Rights--a series of rights so basic that the framers of our Constitution accorded them a place of special privilege. These rights embrace a broad spectrum of enumerated and implied liberties that conjoin to form a single overarching freedom: They protect each individual within our borders from the unjust encroachment of state authority--from whatever official source--into his or her life. Each right is, in fact, a distinct freedom guaranteed to each Floridian against government intrusion. Each right operates in favor of the individual, against government."

50. The Florida Supreme Court, over half a century ago, addressed the fundamental principle of robust individualism that underlies our system of constitutional government in Florida, stating:

"It is significant that our Constitution thus commences by specifying those things which the state government must not do, before specifying certain things that it may do. These Declarations of Rights...have cost much, and breathe the spirit of that sturdy and self-reliant philosophy of individualism which underlies and supports our entire system of government. No race of hothouse plants could ever have produced and compelled the recognition of such a stalwart set of basic principles, and no such race can preserve them. They say to arbitrary and autocratic power, from whatever official quarter it may advance to invade these vital rights of personal liberty and private property, "Thus far shalt thou come, but no farther."

Id. See also State ex rel. Davis v. City of Stuart, 97 Fla. 69, 102-03, 120 So. 335, 347 (1929).

Freedom of Speech

51. Article I, Section 4 of the Florida Constitution further states that "No law shall be passed to restrain or abridge the liberty of speech or of the press." Art I, 4, Fla. Const.

52. Both the federal courts and Florida district courts of appeal have presumed irreparable harm when certain fundamental rights, including freedom of speech are violated. *See Gainesville Woman Care, LLC, et al. v. State*, 210 So. 3d 1243 (Fla. 2017); *see also Cate v. Oldham*, 707 F.2d 1176, 1188 (11th Cir.1983) (irreparable injury presumed from violation of First Amendment rights "for even minimal periods of time").

53. “Special rules of decision apply in cases where a statute makes speech punishable as a crime. 'Because First Amendment freedoms need breathing room to survive, government may regulate in the area only with narrow specificity.’” *NAACP v. Button*, 371 U.S. 415, 433, 83 S.Ct. 328, 338, 9 L.Ed.2d 405, 418 (1963).

54. When a statute punishes only spoken words it can withstand attack upon its facial constitutionality only if it is not susceptible of application to speech. Statutes regulating speech must punish only unprotected speech and not be susceptible of application to protected expression. *Gooding v. Wilson*, 405 U.S. 518, 522 (1972). Where a legislative enactment is susceptible of application to protected speech, it is constitutionally overbroad and therefore is facially invalid.” *See Lewis v. New Orleans*, 415 U.S. 130, 134 (1974); *Spears v. State*, 337 So. 2d 977 (Fla. 1976).

55. The mere possibility that a statute will ensnare protected as well as unprotected speech may be sufficient to invalidate the statute. *Brown v. State*, 358 So. 2d 16 (Fla. 1978). When legislation is drafted so that it may be applied to conduct that is protected by the First Amendment, it is said to be unconstitutionally overbroad. *See Southeastern Fisheries Ass'n, Inc. v. Department of Natural Resources*, 453 So. 2d 1351, 1353 (Fla. 1984).

56. “The First Amendment to the United States Constitution and Article I, Section 4 of the Florida Constitution protect the rights of individuals to express themselves in a variety of ways. The constitutions protect not only speech and the written word, but also conduct intended to communicate.” *See, e.g., Texas v. Johnson*, 491 U.S. 397 (1982); *Brown v. Louisiana*, 383 U.S. 131 (1966); *Sult v. State*, 906 So. 2d 1013, 1018 (Fla. 2005).

57. The overbreadth doctrine permits an individual whose own speech or conduct may be prohibited to challenge an enactment facially "because it also threatens others not before the court — those who desire to engage in legally protected expression but who may refrain from doing so

rather than risk prosecution or undertake to have the law declared partially invalid." *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491, 503 (1985). The doctrine contemplates the pragmatic judicial assumption that an overbroad statute will have a chilling effect on protected expression. *City of Daytona Beach v. Del Percio*, 476 So. 2d 197, 202 (Fla.1985); *Sult*, 906 So. 2d 1013 (Fla. 2005).

58. The overbreadth doctrine applies when legislation criminalizes constitutionally protected activities along with unprotected activities, by sweeping too broadly and infringing upon fundamental rights. See *Firestone v. News-Press Publ'g Co.*, 538 So. 2d 457, 459 (Fla.1989) (citing *State v. Gray*, 435 So. 2d 816, 819 (Fla.1983)). The overbreadth doctrine, applied facially, however, is "strong medicine" that must be used sparingly. *Del Percio*, 476 So. 2d at 202 (citing *Broadrick v. Oklahoma*, 413 U.S. 601, 613 (1973)). Accordingly, the first step in an overbreadth analysis is determining whether the statute restricts First Amendment rights, and whether the restrictions are substantial. *Village of Hoffman Estates v. Flipside, Hoffman Estates, Inc.*, 455 U.S. 489, 494 (1982); *State v. Catalano*, 104 So. 3d 1069, 1078 (Fla. 2012)).

59. "The duty rests upon all courts, state and national, to guard, protect, and enforce every right granted or secured by the Constitution of the United States, whenever such rights are involved in any proceeding before the court and the right is duly and properly claimed or asserted." *Montgomery v. State*, 55 Fla. 97, 103 (Fla. 1908); *Lieberman v. Marshall*, 236 So. 2d 120 (Fla. 1970).

Due Process

60. The Florida Constitution also guarantees that "No person shall be deprived of life, liberty or property without due process of law". Art I § 9, Fla. Const.

61. "Substantive law is that which declares what acts are crimes and prescribes the punishment therefor, while procedural law is that which provides or regulates the steps by which one who

violates a criminal statute is punished." *State v. Garcia*, 229 So. 2d 236, 238 (Fla. 1969). However, the distinction between what is substantive and procedural law is not always simple or certain. *See Caple v. Tuttle's Design-Build, Inc.*, 753 So. 2d 49, 53 (Fla.2000); *Garcia*, 229 So. 2d at 238; *Barrett v. State*, 862 So. 2d 44 (Fla. App. 2003).

62. "Essentially the same as the federal rational basis test, the Florida rational basis test has played a central role in the separation of powers under the Florida Constitution for decades . . . When a law regulating business or economic matters, which does not create a suspect class or infringe upon a fundamental right, is challenged as violating the substantive due process protected by Florida's Declaration of Rights, the law must be upheld if it bears a rational basis to a legitimate government purpose." *Silvio Membreno & Fla. Ass'n of Vendors, Inc. v. City of Hialeah*, 188 So. 3d 13, 19 (Fla. 3rd DCA 2016). However, whenever there is an infringement upon a fundamental right, strict scrutiny analysis requires careful examination of the governmental interest claimed to justify the classification in order to determine whether that interest is substantial and compelling and requires inquiry as to whether the means adopted to achieve the legislative goal are necessarily and precisely drawn. *Examining Board v. Flores De Otero*, 426 U.S. 572, 605 (1976). This test, which is almost always fatal in its application, imposes a heavy burden of justification upon the state and applies only when the statute operates to the disadvantage of some suspect class such as race, nationality, or alienage or impinges upon a fundamental right explicitly or implicitly protected by the constitution. Those fundamental rights to which this test applies have been carefully and narrowly defined by the Supreme Court of the United States and have included rights of a uniquely private nature such as abortions. *See e.g. Roe v. Wade*, 410 U.S. 113 (1973); the right to vote, *Dunn v. Blumstein*, 405 U.S. 330 (1972); *Bullock v. Carter*, 405 U.S. 134 (1972); the right of interstate travel, *Shapiro v. Thompson*, 394 U.S. 618 (1969); free speech rights, *Williams v.*

Rhodes, 393 U.S. 23 (1968); and procreation, *Skinner v. Oklahoma*, 316 U.S. 535 (1942); *See also In re Estate of Greenberg*, 390 So.2d 40 (Fla. 1980).

Rights to Privacy and to Choose or Refuse Medical Treatment

63. Additionally, the Florida Constitution states, “Every natural person has the right to be let alone and free from governmental intrusion into the person’s private life”. Art I § 23, Fla. Const.

64. The Florida Constitution’s privacy right embraces more privacy interests, and extends more protection to the individual in those interests, than does the federal constitution. includes the right to liberty. *See Winfield v. Div. of Pari–Mutuel Wagering*, 477 So. 2d 544 (Fla. 1985).

65. Florida’s Right of Privacy also includes the right to liberty. *State v. J.P.*, 907 So. 2d 1101, 1115 (Fla. 2004) (holding that the Florida constitutional right to privacy includes the right to liberty and self-determination). An integral component of self-determination is the right to make choices pertaining to one's health and to determine what shall be done with one's own body. *In re Guardianship of Browning*, 568 So. 2d 4, 9-12 (Fla. 1990)(“Recognizing that one has the inherent right to make choices about medical treatment, we necessarily conclude that this right encompasses all medical choices.”).

66. The Florida Supreme Court “has also [declared] in various contexts that there is a constitutional privacy right to refuse medical treatment. Those cases recognized the state's legitimate interest in (1) the preservation of life, [and] (2) the protection of innocent third parties ... However, we held that these interests were not sufficiently compelling to override the patient's right of self-determination[.]” *Krischer v. McIver*, 697 So. 2d 97, 102 (Fla. 1997).

67. “Recognizing that one has the inherent right to make choices about medical treatment, we necessarily conclude that this right encompasses all medical choices . . . The issue involves a patient's right of self-determination and does not involve what is thought to be in the patient's best

interests . . . [A] competent person has the constitutional right to choose or refuse medical treatment and that right extends to all relevant decisions concerning one's health.” *In re Guardianship of Browning*, 568 So. 2d at 10-11.

68. As Governor DeSantis rightfully stated on June 19, 2020, "the Constitution is not suspended just because you have a pandemic.”

Defendant’s Mask Mandate Is Subject to Strict Scrutiny

69. It is well settled that to invade a citizen’s fundamental right of privacy, Defendant must meet a “strict scrutiny” standard. *N. Fla. Women's Health & Counseling Servs., Inc. v. State*, 866 So. 2d 612, 635 (Fla. 2003) (“Florida courts consistently have applied the ‘strict’ scrutiny standard whenever the Right of Privacy Clause was implicated, regardless of the nature of the activity.”)

70. Strict scrutiny requires the Defendant to show that the challenged regulation serves a compelling state interest and accomplishes its goal through the use of the least intrusive means. *See Winfield*, 477 So. 2d at 547 (explaining that where a law intrudes on fundamental right to privacy guaranteed in Florida’s Constitution, the State must demonstrate that the challenged regulation serves a compelling state interest and accomplishes its goal through the use of the least intrusive means).

71. To withstand strict scrutiny, a law must be necessary to promote a compelling governmental interest and must be narrowly tailored to advance that interest. *State v. J.P.*, 907 So. 2d at 1110.

72. Where strict scrutiny is required, the offending legislation is presumed to be unconstitutional and the County has the burden of proving that the law passes muster. *N. Fla. Women's Health & Counseling Servs., Inc.*, 866 So. 2d at 625, n.16 (“The legislation is

presumptively unconstitutional . . . the State must prove that the legislation furthers a compelling State interest through the least intrusive means”).

Section 252.38, Florida Statutes – Defendant’s Emergency Powers

73. Under Florida Statute Section 252.38, entitled “Emergency Management Powers of Political Subdivisions”, Defendant Palm Beach County does not have legal authority to create a mandate for citizens to wear facial coverings. Palm Beach County relies on 252.38(5)(a) which states, “. . . and taking whatever *prudent* action is *necessary to ensure* health, safety, and welfare . . .” (emphasis added).

74. “The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments.” § 252.38, Fla. Stat. Defendant’s blatant, willful and audacious disregard for the very limited authority local governments are afforded under Florida law is highlighted by EO #12’s express duration of ***thirty (30) days***, not seven (7).

75. Defendant Palm Beach County’s top officials, including those who voted for Defendant’s Mask Mandate, have also indicated during livestreamed public hearings their interest in extending Defendant’s unlawful Mask Mandate to one year, or perhaps indefinitely.

76. Defendant has not and cannot demonstrate facial coverings are prudent or necessary to ensure health, safety, and welfare. In fact, facial coverings not only do not ensure health, safety, or welfare, but rather can cause serious harm and even death. In fact, multiple children have already died as a result of wearing facial coverings. See <https://nypost.com/2020/05/06/two-boys-drop-dead-in-china-while-wearing-masks-during-gym-class/>. This is further evidenced by Defendant’s attempt to exclude those who have health conditions from the Mask Mandate since it is undeniable wearing masks can be harmful, especially to persons with pre-existing health conditions.

77. As admitted by Defendant, not everyone can wear masks because masks lower oxygen levels when placed tightly on the nose and mouth and humans necessarily use noses and mouths to breath by extrapolating oxygen from air inhaled and then releasing toxins and carbon dioxide when exhaling—which is common knowledge and basic human science that is taught in grade schools in Palm Beach County and throughout Florida. *See e.g. "Just Breath! Respiratory Lab"* located at <https://www.cpalms.org/Public/PreviewResourceLesson/Preview/129067>. (“As oxygen enters the mouth and nose, it travels down the trachea. It then moves into one of two bronchi that then delivers it to each lung. The diaphragm helps the lungs expand and fill with oxygen as this is happening. The bronchi branches off into alveoli and then directly in to the bloodstream. The red blood cells drop off the oxygen and pick up the carbon dioxide that needs to leave the body. The carbon dioxide travels back out through to bronchi, trachea and finally, through the nose and mouth.”). Restricting oxygen intake with a mask is a hazard for all who need fresh air to survive.

78. Section 252.50, Florida Statutes states, “Any person violating any provision of ss. 252.31-252.90 or any rule or order made pursuant to ss. 252.31-252.90 is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.”

Section 381.00315, Florida Statutes and State Emergency Orders Powers

79. Defendant Palm Beach County has no authority, actual or apparent, under Section 381.00315 to force medical treatments upon any individual in Palm Beach County, including but not limited to forcing people to wear medical devices such as facial coverings.

80. Florida Statute 381.00315, “Public Health Advisories; Public Health Emergencies; Isolation and Quarantine” expressly delegates the task of providing treatment during a health emergency, to the State Health Officer, which is the Florida Surgeon General.

81. During a public health emergency, section 381.00315(1)(c)4, Florida Statutes, only permits the State Health Officer to order examination, testing or treatment of individuals. If treatment is ordered, it must be performed by a “qualified person authorized by the State Health Officer.”

82. The State Health Officer, who is the Florida Surgeon General, has not ordered facial coverings be worn or mandated by any individual(s) in Florida, and certainly has not ordered that Palm Beach County impose county-wide medical treatment, such as mandatory facial coverings.

83. The State Health Officer has only issued a **non-mandatory** public health advisory “encouraging” **but not requiring** individuals to follow both CDC recommendations AND safety protocols issued by OSHA. *See* Exhibit “E”. (“All individuals in Florida *should* wear face coverings . . .”) (emphasis added).

84. “[W]hile states and the federal government have wide latitude in issuing emergency orders to protect public safety or health, they do not have carte blanche to impose any measure without justification or judicial review.” *Robinson v. Attorney Gen.*, 20-11401-B, 2020 WL 1952370, at *5 (11th Cir. Apr. 23, 2020).

Florida Law Surrounding Defendant’s Unlawful Practice of Mass Medicine

85. Since the Defendant County has taken the unprecedented and completely unlawful step of pretending to be a health care provider for all Palm Beach County residents and visitors, Defendant necessarily falls under the scope of Section 381.026, “Florida’s Patient’s Bill of Rights and Responsibilities”, which provides that it is public policy of Florida that the interests of patients be recognized in a patient’s bill of rights and responsibilities and that a health care facility or health care provider may not require a patient to waive his or her rights as a condition of treatment.

86. However, under Section 381.026(4)(b), Florida’s Patient’s Bill of Rights and Responsibilities, the individual dignity of a patient must be respected at all times, a patient has the

right to refuse any treatment and a patient has the right to access any mode of treatment that is, in his or her own judgment and the judgment of his or her health care practitioner, in the best interests of the patient, including complementary or alternative health care treatments. Thus, if Defendant is now pretending to be a health care provider, not only is the Defendant practicing medicine without a license, but Defendant's unlawful Mask Mandate clearly violates the dignity of every patient by eliminating the right to refuse any treatment from all "non-exempt" patients.

87. Medical recommendations and treatments cannot be mandated by health care providers, as well as state or local governments because the law in Florida is clear: Every person has the right "to be let alone and free from government intrusion into the person's private life." Art. I, sec. 23, Fla. Const. This fundamental right to privacy encompasses a person's "right to the sole control of his or her person" and the "right to determine what shall be done with his own body." *In re Guardianship of Browning* at 10. The Florida Supreme Court has specifically recognized that "a competent person has the constitutional right to choose or refuse medical treatment, and that right extends to all relevant decisions concerning one's health." *Id.* at 11.

88. A patient's fundamental constitutional right to refuse medical intervention "can only be overcome if the state has a compelling state interest great enough to override this constitutional right." *Singletary v. Costello*, 665 So. 2d 1099, 1105 (Fla. 4th DCA 1996); *Burton v. State*, 49 So. 3d 263, 265 (Fla. 1st DCA 2010). Defendant Palm Beach County has no compelling interest in forcing countless Palm Beach County residents to suffocate themselves with medical devices.

89. The requirement that a medical professional be licensed before being able to lawfully render a medical recommendation or medical treatment is necessary to protect citizens from harm and to ensure safe practice. *See Serian v. State*, 588 So. 2d 251, 253 (Fla. 4th DCA 1991) ("... the clear public policy of the state of Florida as expressed in the optometry licensing law is the

protection of the citizens of the state . . . It is the legislative intent that such persons who fall below minimum standards or who otherwise present a danger to the public shall be prohibited from practicing in this state.”)

90. Medical recommendations and treatments are not one-size-fits-all and necessarily must be determined on an individualized, patient-by-patient basis. Forcing medical treatments upon individuals without informed consent by non-licensed officials, like the Defendant’s Commissioners, none of whom are doctors or licensed medical professionals, is unlawful in many ways, including violating both the Florida Constitution and Florida’s Patient Bill of Rights.

Recent Cases in Other States Striking Down Unconstitutional State Emergency Orders

91. In a recent Wisconsin Supreme Court decision striking down the Wisconsin governor’s statewide stay-at-home order as unconstitutional, the Court stated, “As the United States Department of Justice has recently written in a COVID-19-related case raising constitutional issues, ‘There is no pandemic exception . . . to the fundamental liberties the Constitution’ safeguards. Indeed, ‘individual rights secured by the Constitution do not disappear during a public health crisis.’” *See Wisconsin Legislature v. Palm*, Case No. 2020AP765.

92. In Ohio, a state court ruled that private property rights are fundamental rights in Ohio, and that the Ohio Department of Health has both violated those rights and exceeded its own authority in “criminalizing lawful businesses, and imposing strict liability for violations, including severe criminal, civil, and equitable penalties” . . . “The director has no statutory authority to close all businesses, including the plaintiffs’ gyms . . . She has acted in an impermissibly arbitrary, unreasonable, and oppressive manner without any procedural safeguards.” *See Rock House Fitness, LLC et al v. Amy Acton, et al.*, Case No. 20CV000631.

93. On Friday, June 26, 2020, a federal court struck down part of an unconstitutional emergency order placing restrictions on religious gatherings, stating “It is not the judiciary’s role to second guess the likes of Governor Cuomo or Mayor de Blasio when it comes to decisions they make in such troubling times, that is, until those decisions result in the curtailment of fundamental rights without compelling justification.” See <https://www.law.com/newyorklawjournal/2020/06/26/federal-judge-rules-against-new-yorks-outdoor-gathering-restrictions/>.

94. After the State of California’s Governor recently overstepped his power using unlawful emergency orders, a California court entered an order barring California’s Governor “from further exercising any legislative powers in violation of the California Constitution and applicable statute, specifically from unilaterally amending, altering, or changing existing statutory law or making new statutory law.” See <https://sanfrancisco.cbslocal.com/2020/06/12/judge-limits-california-gov-gavin-newsoms-emergency-rule-making-during-pandemic/>

COUNT I – DECLARATORY JUDGMENT

LACK OF AUTHORITY

95. Paragraphs 1 - 94 are incorporated by reference.

96. There simply exists no authority for Defendant Palm Beach County to impose such an arbitrary and utterly unconstitutional and unlawful mandate. Shockingly, non-compliance with the Defendant’s unlawful order will result in either a \$250 or \$500 dollar fine. Additionally, the unlawful Mask Mandate is in direct conflict with the White House "Guidelines for Opening Up America Again," and Governor DeSantis' executive orders which do not require citizens to wear facial coverings anywhere in the United States of America. As opposed to advisory guidelines,

Palm Beach County has taken the most restrictive and completely unconstitutional step of requiring that masks be worn under the force of law.

97. Defendant Palm Beach County does not have legal authority under Section 252.38, Florida Statutes to create a mandate for citizens to wear facial coverings.

98. Additionally, the 30-day Mask Mandate is unlawful because it exceeds 7 days as required by § 252.38, Fla. Stat.

99. Moreover, Defendant's unconstitutional Mask Mandate violates Art. VIII § 1 of the Florida Constitution, which provides that "Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact ordinances not inconsistent with general law."

100. The Defendant's Mask Mandate recklessly disregards both Florida law and basic constitutional protections shared by millions of Americans, including the Plaintiffs.

101. Defendant has not and cannot demonstrate facial coverings are prudent and necessary to ensure health, safety, and welfare. In fact, facial coverings do not ensure health, safety, or welfare, but rather can cause serious harm and even death, in addition to civil unrest, conflict and division, as well as widespread discrimination. *See e.g.* <https://www.tmz.com/2020/06/27/trader-joes-customer-goes-nuts-over-face-masks/> (Trader Joes shopper ordered to leave store, now being disparaged online for simply trying to buy groceries without a mask due to breathing problems); *see also* <https://news.yahoo.com/dad-two-kids-thrown-walmart-211635150.html> (father and his two children removed from Walmart by police after defying mask mandate).

COUNT II - DECLARATORY JUDGMENT

VIOLATION OF BASIC RIGHTS

102. Paragraphs 1 - 101 are incorporated by reference.

103. Defendant's unconstitutional Mask Mandate clearly violates Art I, 2, Fla. Const. because it deprives persons, including the Plaintiffs, of life, liberty and the pursuit of happiness.

104. Defendant's Mask Mandate not only deprives over a million Palm Beach County residents of the right to breathe, it also jeopardizes the spirit of the sturdy and self-reliant philosophy of individualism which underlies and supports our entire system of government through arbitrary and autocratic power to invade vital rights of personal liberty. *See also State ex rel. Davis*, 97 Fla. 69, 102-03, 120 So. 335, 347 (1929).

COUNT III – DECLARATORY JUDGMENT

VIOLATION OF RIGHT TO DUE PROCESS

105. Paragraphs 1 - 104 are incorporated by reference.

106. The Palm Beach County Mask Mandate is unconstitutional because it violates the Due Process Clause of Art. 1 § 9 of the Florida Constitution because it deprives Plaintiffs, and countless other citizens of Palm Beach County and the United States of life, liberty or property without due process of law.

107. Defendant's unlawful Mask Mandate is an arbitrary and unreasonable exercise of governmental power. *Noel v. State*, 191 So. 3d 370, 373 (Fla. 2016).

108. The Defendant's unconstitutional Mask Mandate is not only arbitrary and unreasonable, but it is not backed by any compelling state interest or facts proving such an interest.

109. Due process of law protects against the legislative deprivation of life, liberty, or property and this Defendant's Mask Mandate deprives millions of Palm Beach County residents and American citizens, including the Plaintiffs.

110. Moreover, because Defendant's Mask Mandate is unconstitutionally vague, any person violating the unlawful emergency order could be guilty of a misdemeanor of the second degree, pursuant to Section 252.50, Florida Statutes.

COUNT IV – DECLARATORY JUDGMENT

VIOLATION OF RIGHT TO PRIVACY & BODILY AUTONOMY

111. Paragraphs 1 - 110 are incorporated by reference.

112. The Defendant's Mask Mandate is unconstitutional because it violates the Privacy Clause of Article 1 § 23 of the Florida Constitution and violates every natural person's right to be let alone and free from governmental intrusion into private life.

113. Defendant's Mask Mandate violates the explicit constitutional right of privacy listed in the Florida Constitution, which embraces more privacy interests and extends more protection than the right of privacy provided under the due process clause of the federal constitution. *Winfield*, 477 So. 2d at 548.

114. Defendant's unconstitutional Mask Mandate is a radical infringement on the well-settled constitutional and human right to privacy shared by all Floridians, which includes our rights to self-determination, bodily autonomy, medical freedom and liberty. *State v. J.P.*, 907 So. 2d at 1115.

COUNT V – DECLARATORY JUDGMENT

VIOLATION OF EQUAL PROTECTION

115. Paragraphs 1 - 114 are incorporated by reference.

116. Defendant's Mask Mandate is unconstitutional because it violates the Equal Protection Clause of Art. 1 § 2 of the Florida Constitution, which reads: "All natural persons, female and male

alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry...".

117. By arbitrarily requiring only certain persons or business to comply with Defendant's mask and social distancing mandates, while others do not have to comply, Defendant Palm Beach County unlawfully treats similarly situated people and businesses differently without any rational or constitutional basis.

118. There is no conceivable state of facts that could provide a rational basis for Defendant's Mask Mandate or any other emergency orders enacted under the guise of disease prevention. Pharmacies, grocery stores, and other places are burdened by unlawful mask and social distancing requirements while other businesses are not. Walmart remains open, yet Defendant Palm Beach County is announcing plans to close the beach to Americans celebrating Independence Day. <https://www.nbcmiami.com/news/local/palm-beach-county-plans-on-closing-its-beaches-for-fourth-of-july-weekend-according-to-mayor/2255082/>.

119. Defendant's unconstitutional Mask Mandate is not rationally related to any legitimate end. Defendant's unlawful mandate bears no rational relationship to a legitimate government interest and blatantly violates the Florida Constitution's Equal Protection Clause. *North Broward Hospital District v. Kalitan*, 219 So. 3d 49, 55 (2017).

COUNT VI – DECLARATORY JUDGMENT

VOID FOR VAGUENESS

120. Paragraphs 1-119 are incorporated by reference.

121. Defendant's Mask Mandate also violates Art. 1 § 9 of the Florida Constitution because it is void for vagueness.

122. Defendant's Mask Mandate leaves significant terms undefined. A statute which either forbids or requires the doing of an act in terms so vague that persons of common intelligence must necessarily guess at its meaning and application violates the first essential requirement of due process of law; due process is violated when a statute "forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning." *D'Alemberte v. Anderson*, 349 So. 2d 164, 166 (Fla. 1977) (quoting *Cline v. Frink Dairy Co.*, 274 U.S. 445, 47 S.Ct. 681, 71 L.Ed. 1146 (1927)).

123. Defendant's unlawful Mask Mandate is so ridiculously vague, by exempting "persons who have a medical condition that makes the wearing of a facial covering unsafe such as, but not limited to, asthma, COPD, *other conditions that reduce breathing or lung capacity*", that the Defendant has included as exempt (in a mandate targeting "stopping the spread of COVID") persons who have medical conditions exactly like COVID-19, which can reduce breathing and lung capacity. The absurdity of the Mask Mandate is revealed by overwhelming scientific evidence showing masks can't stop the spread of COVID-19.

124. There are various terms in Defendant's confusing and inexplicable Mask Mandate that are not defined and clearly too vague for the average person to understand, resulting in forcing millions of Palm Beach County residents and visitors, including the Plaintiffs, to guess at the meanings and be subjected to punishment and criminal consequence. These are just some examples of the vague and undefined language and terms in EO #12:

- "obtaining any good or service or otherwise visiting or working in any business or establishment, including entering, exiting, and otherwise moving around within the establishment;
- "Where social distancing in accordance with CDC guidelines is not possible or not being practiced";
- "Any outdoor areas that are open and regularly accessible";
- "...or any other activity requiring a presence in a governmental building";
- "children under 2 years of age";

- “federal or state safety or health regulations”;
- “or other life safety personal that have Personal Protective Equipment requirements governed by their respective agencies”;
- “engaged in exercise”;
- “facial grooming and treatment”;
- “medical condition”;
- “unsafe”;
- “removed temporarily”;
- “hearing impaired”;
- “persons who are unable to safely utilize face covering” ;
- “or any other reasonable accommodation”;
- “process for verification”;
- “and as otherwise authorized by law”;
- “religious beliefs and practices”; and
- “persons”

125. Defendant’s Mask Mandate is void for vagueness because it arbitrarily and absurdly discriminates against anyone over the age of 2 years of age, and countless citizens, including the Plaintiffs who do not fall within any of the unlawful order’s vague and ambiguous exceptions.

126. Defendant’s unlawful Mask Mandate does not define “businesses and establishments” and by referring to “businesses or establishments of any type” millions are left to guess what businesses means. Is a food truck an establishment? Is a storage locker an establishment? The frequent use of the words “including, but not limited to” throughout the order makes these terms even more overly broad and rendering the Mask Mandate void for vagueness.

127. It is unclear whether Defendant’s Mask mandate includes condominiums, but if so, it would be an attempt to amend Florida condominium law without consent of the legislature, or voters.

128. Defendant’s unconstitutionally vague Mask Mandate does not define “persons”, so it is unclear whether the term includes residents, visitors, or both. Are non-citizens included? One is only left to guess, which is why the unlawful order is void for vagueness.

129. Moreover, Defendant's Mask Mandate is impermissibly vague because it does not define "public places". It also discriminates against multi-family housing, like apartments and condominiums, by only exempting single family homes.

130. The unconstitutionally vague "medical condition" exception is so vague that by exempting "persons who have a medical condition that makes the wearing of a facial covering unsafe such as, but not limited to, asthma, COPD, other conditions that reduce breathing or lung capacity" the Defendant has actually included as exempt from the mandate persons who have COVID-19, which can reduce breathing and lung capacity, thus negating the order's stated purpose.

COUNT VII - DECLARATORY JUDGMENT

VIOLATION OF FREEDOM OF SPEECH

131. Paragraphs 1 - 130 are incorporated by reference.

132. The Defendant's unlawful Mask Mandate is also clearly unconstitutional because it violates the freedom of speech of millions of Palm Beach County residents and visitors guaranteed by Article 1 § 4 of the Florida Constitution, which reads in pertinent part "No law shall be passed to restrain or abridge the liberty of speech ..."

133. Defendant's unlawful Mask Mandate unquestionably restrains verbal as well non-verbal speech critical for the ability of countless citizens in Palm Beach County to communicate effectively and has had a devastating chilling effect on freedom of speech in Palm Beach County.

134. There are countless examples of Defendant's unmasked officials and employees, including but not limited to the Palm Beach County Board of Commissioners, not practicing what they preach, often when speaking during formal televised meetings and press conferences so their own speech is not impaired and can communicate effectively. Defendant's double standard has been documented extensively by citizens, journalists, and civil liberties organizations alike.

135. It is without doubt that facial coverings severely impinge on speaking and not only impairs speech, but also discourages people from speaking or communicating with others due to difficulties such as inability to hear a muffled voice, or difficulties breathing, as many experience while being forced to wear suffocating medical devices.

136. Defendant's unconstitutional Mask Mandate recklessly discriminates against thousands of facial expressions which do not fall within arbitrary and inexplicable exceptions.

137. Defendant's Mask Mandate violates freedom of speech because a mask is in and of itself a form of speech. By forcing countless individuals, including the Plaintiffs to wear a mask or a muzzle, Defendant Palm Beach County, has not protected anyone from harm or disease, but rather unjustly and unlawfully forced a warped and potentially harmful form of speech upon millions.

138. Defendant's Mask Mandate's infringement upon freedom of speech is so egregious that it infringes upon childhood development and the learning of speech. Children, as well as adults, need to see mouths moving and facial expressions to develop speech and learn to communicate properly as living, breathing human beings have been for countless generations. Without question, Defendant's Mask Mandate literally curbs free speech for over a million people in Palm Beach County, including kids still learning how to speak but now must do so wearing a harmful medical device that impedes and prevents speech.

COUNT VIII

PERMANENT INJUNCTION

139. Paragraphs 1 – 138 are incorporated by reference.

140. Unless a permanent injunction is issued, Plaintiffs and millions of similarly situated citizens will suffer irreparable harm because their constitutional rights are being violated.

141. Defendant's unlawful Mask Mandate infringes upon the Plaintiffs rights guaranteed by the Florida Constitution.

142. Worse, the Plaintiffs will be fined and could even face arrest and imprisonment if they do not comply with the unconstitutional mandate.

143. There is a significant likelihood of irreparable harm to the Plaintiffs as well as roughly 1.5 million Palm Beach County residents resulting from enforcement of the Mask Mandate.

144. The Plaintiffs lack an adequate remedy at law.

145. No other remedy exists to protect the Plaintiffs' rights, which are being infringed upon by the Defendant.

146. The test for the unavailability of an adequate remedy at law is whether the "irreparable injury is an injury that cannot be cured by money damages." *Lutsky v. Schoenwetter*, 172 So. 3d 534, 534 (Fla. 3d DCA 2015) (citing *Grove Isle Ass'n, Inc. v. Grove Isle Assocs., LLLP*, 137 So. 3d 1081, 1092 (Fla. 3d DCA 2014)).

147. The deprivation of the Plaintiffs' constitutional rights cannot be remedied by money or any judgment other than an injunction. The Plaintiffs have been deprived of the ability to move freely, disallowing them to be "let alone and free." Art. 1 § 23, Fla. Const.

148. Defendant's Mask Mandate is presumptively invalid since it implicates and infringes the Plaintiffs' privacy rights. Due to the fundamental and highly guarded nature of the constitutional right to privacy, any law that implicates the right, regardless of the activity, is subject to strict scrutiny and, therefore, presumptively unconstitutional and Defendant is unable to justify such an infringement. *Weaver v. Myers*, 229 So. 3d 1118, 1133 (Fla. 2017).

149. Moreover, Plaintiffs' constitutional rights of privacy guaranteed by the Florida Constitution embraces more privacy interests and extends more protection than the right of privacy

provided under the due process clause of the Federal Constitution and includes the right to liberty. *Winfield*, 477 So. 2d at 548; *State v. J.P.*, 907 So. 2d at 1115 (holding that the Florida constitutional right to privacy includes the right to liberty and self-determination).

150. Furthermore, Defendant Palm Beach County has made no attempt to justify this intrusion on privacy. Vague, unproven messaging from the Palm Beach County commission regarding public "safety" has not come close to establishing a compelling state interest justifying the intrusion.

151. A permanent injunction of Defendant's Mask Mandate will serve the public interest. Millions of Palm Beach County residents and visitors are burdened by the over-reach of their local government in a fashion not seen before in the history of Florida. The mask requirement violates both the Plaintiff's and the public's fundamental Florida Constitutional rights. 1,497,000 Palm Beach County residents are unduly burdened by it. The public has a strong interest in protecting their rights and ability to control their own bodies in the workplace and in public.

REQUEST FOR EXPEDITED CONSIDERATION

152. Plaintiffs respectfully request that this Court expedite consideration of this action pursuant to § 86.111, Fla. Stat., which authorizes the Court to "order a speedy hearing of an action for a declaratory judgment" and "advance it on the calendar."

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter:

- a) a declaration that Defendant Palm Beach County lacked the authority to mandate a mask requirement under Florida law.
- b) a declaration that the Defendant Palm Beach County's Mask Mandate violates Article I Sections 2, 4, 9 and 23 of the Florida Constitution;

- c) an injunction enjoining Defendant Palm Beach County from enforcing its unconstitutional and unlawful Mask Mandate;
- d) an injunction enjoining Defendant Palm Beach County from violating the Florida Constitution and any and all applicable statutes; and
- e) any and all further relief as is just and proper.

VERIFICATION

I hereby swear or affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge. /s/ Louis Leo IV, Counsel for the Plaintiffs.

DATED this 30th day of June, 2020.

Respectfully Submitted,

/s/ Louis Leo IV

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Counsel for Plaintiffs

EXHIBIT A

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**EMERGENCY ORDER NUMBER 4
PALM BEACH COUNTY COVID-19
DIRECTIVE TO WEAR FACIAL COVERS**

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;

WHEREAS, on March 1, 2020, Governor Ron DeSantis, issued Executive Order 20-51 directing the Florida Department of Health ("FDOH") to issue a Public Health Emergency; 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

WHEREAS, on March 13, 2020, pursuant 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 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people, and in states with evidence of community spread, bars, restaurants, food courts, and gyms should be closed; and

WHEREAS, on March 24, 2020, Governor Ron DeSantis issued Executive Order 20-82 directing all persons entering the State of Florida from an area with substantial community spread to isolate or quarantine for a period of 14 days from the time of entry into the State of Florida or the duration of the person's presence in the State of Florida, whichever is shorter and to inform any individual in Florida with whom they have had direct physical contact in the past 21 days that they traveled from an area with substantial community spread; 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, on March 30, 2020, Governor Ron DeSantis issued Executive Order Number 20-89, restricting the operations of non-essential businesses in certain South Florida Counties and requires such establishments to take reasonable actions to comply with the United States Centers for Disease Control and Prevention (CDC) guidelines on social distancing; and

WHEREAS, on March 30, 2020, President Donald J. Trump issued the White House's "30 Days to Slow the Spread" guidance, which extends the prior "15 Days to Slow the Spread" guidance to April 30, 2020; and

WHEREAS, on April 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-91, which included a Safer At Home directive that Senior citizens and individuals with a significant underlying medical condition shall stay at home and take all measures to limit the risk of exposure to COVID-19; and

WHEREAS, Executive Order 20-91, in concert with the efforts of President Trump and the White House Coronavirus Task Force to fight COVID-19, and based on guidance provided by Florida's Surgeon General and State Health Officer, further directed all persons in Florida to limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities, as identified in the Executive Order; and

WHEREAS, it is strongly recommended that all persons stay at home, in addition to senior citizens and those with a significant underlying medical condition required to stay home by Executive Order 20-91; and

WHEREAS, Palm Beach County desires to take additional steps to minimize the spread of COVID-19 within the community.

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to Section 252.38(3)(a), Florida Statutes, Palm Beach County Code Article II, Section 9-35 and all other applicable laws, that:

1. The foregoing recitals are hereby incorporated herein by reference.
2. This Order applies in all incorporated and unincorporated areas of Palm Beach County.
3. All persons working in, patronizing, or otherwise physically present in grocery stores, restaurants, pharmacies, construction sites, public transit vehicles,

vehicles for hire, and locations where social distancing measures are not possible should wear facial coverings as defined by the CDC.

4. All other persons physically present in any public place in Palm Beach County are strongly urged to wear facial coverings as defined by the CDC.
5. A facial covering includes any covering which snugly covers the nose and mouth, whether store bought or homemade mask, or clothing covering, including but not limited to, a scarf, bandana, handkerchief or other similar cloth covering and which is secured in place. Examples of compliant homemade facial coverings may be found on the CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>. Persons wearing facial coverings should review the CDC and Florida Department of Health guidelines regarding safely applying, removing, and cleaning facial coverings.
6. Persons utilizing facial coverings should not procure surgical masks or N95 rated masks, as those are critical supplies for health care workers, law enforcement, fire-rescue, emergency management, or other persons engaged in life and safety activities.
7. 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.
8. This Order shall be effective as of 12:01 a.m. on April 13, 2020. This Order shall expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent order.

PALM BEACH COUNTY

By:

Veronica C. Baker

County Administrator

April 14, 2020

Date

APPROVED AS TO
LEGAL SUFFICIENCY

By:

[Signature]

County Attorney

ATTEST

CLERK & COMPTROLLER

By: _____

Deputy Clerk

Shawn R. Back

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EXHIBIT B

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**EMERGENCY ORDER NUMBER 10
PALM BEACH COUNTY COVID-19
ADDITIONAL DIRECTIVE ON WEARING OF FACIAL COVERINGS**

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

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, the County Administrator pursuant to the authorities cited below has issued various Emergency Orders including Emergency Order 2020-004, Directive to Wear Facial Covers, effective on April 13, 2020; and

WHEREAS, on May 16, 2020, the County Administrator issued Emergency Order 2020-008, amending Emergency Order 2020-004, Directive to Wear Facial Covers, to add a mandatory requirement for persons utilizing the County's Palm Tran transit services to wear facial coverings at all times when entering, riding, or exiting the bus or transit vehicle; and

WHEREAS, Palm Beach County desires to take additional steps to minimize the spread of COVID-19 within Palm Beach County by adding an additional directive mandating the wearing of facial coverings by the public entering Palm Beach County owned buildings.

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. The foregoing recitals are hereby incorporated herein by reference.
2. This Order applies in all incorporated and unincorporated areas of Palm Beach County.
3. Section 3 of Emergency Order 2020-004 is hereby amended as follows:
 - a. **Recommendation for Facial Coverings.** All persons working in, patronizing, or otherwise physically present in grocery stores, restaurants while not seated, pharmacies, construction sites, vehicles for hire, and locations where social distancing measures are not possible should wear facial coverings as defined by the CDC.
 - b. **Palm Tran Face Coverings Required.** All persons utilizing the County's Palm Tran transit services including fixed route, Palm Tran Connection, Go Glades, and any other transit service provided by Palm Tran, shall wear facial coverings at all times when entering, riding, or exiting the bus or transit vehicle, unless a medical accommodation is arranged in advance by contacting Palm Tran at (561) 841-4287.
 - c. **Palm Beach County Governmental Facilities Face Coverings Required.** All persons accessing Palm Beach County governmental buildings for the purposes of conducting public business, visitation, contracting and maintenance, delivery, or any other activity requiring a presence in a county governmental building shall wear facial coverings as defined by the CDC at all times while present in the building. For purposes of this section, Palm Beach County

governmental buildings shall mean any Palm Beach County-owned and operated buildings including, but not limited to, office buildings, service centers, and libraries. Face coverings shall not be required for children under 2 years of age, public safety, fire, and other life safety personnel, and persons with medical conditions that are not compatible with masks. Face coverings shall not be required for individuals participating in indoor sporting or physical fitness events provided 6' physical distancing between participants can be maintained. Additionally, face coverings are not required while seated and dining in restaurant and other food service venues.

All other provisions of Emergency Order 2020-004 remain in full effect.

4. Any provision(s) within this Amendment 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 Amendment, with the remainder of the Amendment remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Amendment is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Amendment. The provisions of this Amendment shall supersede the specific provisions of any previously issued County Emergency Order that is contrary to or in conflict with this Amendment.

5. This Amendment shall be effective as of 12:01 a.m. on June 8, 2020. This Amendment shall expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent order.

PALM BEACH COUNTY

By: Veronica C. Baker
County Administrator

June 4, 2020
Date

APPROVED AS TO
LEGAL SUFFICIENCY

By: Denise Marie Nieman
County Attorney

ATTEST
CLERK & COMPTROLLER

By: Sharon R. Baker
Deputy Clerk

EXHIBIT C

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**EMERGENCY ORDER NUMBER 11
PALM BEACH COUNTY COVID-19
ADDITIONAL DIRECTIVE ON RECREATIONAL FACILITIES**

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

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 reopened certain businesses; 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, the County Administrator pursuant to the authorities cited below has issued various Emergency Orders, including Emergency Order 2020-005, effective on April 29, 2020, and Emergency Order 2020-007, effective on May 18, 2020, which amended Emergency Order 2020-005, providing for the phased restart of boating and marine activities, golf courses, public and private parks, natural areas, tennis courts and community pools; and

WHEREAS, Governor Ron DeSantis in Executive Order 20-131 modified Executive Order 20-123 to allow organized youth activities to operate, including youth sports teams and leagues, youth clubs and programs, child care, summer camps, and youth recreation camps; and

WHEREAS, it is desirable and prudent to further amend Palm Beach County's Emergency Order 2020-005 to authorize operation of the youth activities described in Executive Order 20-131 and to modify and adjust the requirements related to boating and marine activities, golf courses, and public and private parks; and

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. The foregoing recitals are hereby incorporated herein by reference.
2. This Order applies in all incorporated and unincorporated areas of Palm Beach County.
3. In accordance with Executive Order 20-131, organized youth activities may operate, including youth sports teams and leagues, youth clubs and programs, and child care. Summer camps and youth recreation camps may operate including, but not limited to, those defined in Sections 409.175 and 513.02, Florida Statutes, respectively.
4. Emergency Order 2020-005, as amended by Emergency Order 2020-007, is hereby further amended as follows:
 - a. Attachment 2, Revision 1 is hereby deleted in its entirety and replaced with Attachment 2, Revision 2, entitled "Boating and Marine Activity Requirements." All references to Attachment 2, Revision 1, shall be replaced with Attachment 2, Revision 2.
 - b. Attachment 3, Revision 1 is hereby deleted in its entirety and replaced with Attachment 3, Revision 2, entitled "Golf Requirements." All references to Attachment 3, Revision 1, shall be replaced with Attachment 3, Revision 2.
 - c. Attachment 4, Revision 1 is hereby deleted in its entirety and replaced with Attachment 4, Revision 2, entitled "Public Parks, Private Parks, and Natural Areas Reopening Guidelines." All references to Attachment 4, Revision 1, shall be replaced with Attachment 4, Revision 2.

All other provisions of Emergency Order 2020-005 and Emergency Order 2020-007 remain in full effect.

4. Any provision(s) within this Amendment 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 Amendment, with the remainder of the Amendment remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Amendment is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Amendment. The provisions of this Amendment shall supersede the specific provisions of any previously issued County Emergency Order that is contrary to or in conflict with this Amendment.

5. This Amendment shall be effective as of 12:00 a.m. on June 11, 2020. This Amendment shall expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent order.

PALM BEACH COUNTY

By: *Verdona C. Baker*
County Administrator

June 10, 2020
Date

ATTEST

CLERK & COMPTROLLER

By: *Sharon R. Back*
Deputy Clerk

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: *Denise Marie Nieman*
County Attorney

ATTACHMENT 2 – REVISION 2
BOATING AND MARINE ACTIVITY REQUIREMENTS

A. Marinas, Boat Docks, Ramps, and Other Launching Venues.

1. Services Provided: Marinas, boat docks, boat ramps, and any other venues used for launching vessels for recreational purposes, as well as dry stack storage facilities, (collectively, “Launching Venues”), shall be allowed to operate provided that CDC Guidelines, including all social distancing guidelines, are adhered to. Launching Venue retail operations may operate in accordance with State of Florida Office of the Governor Executive Order 20-112 and related subsequent orders applicable to Palm Beach County.
2. Restaurants: Restaurant operations at Launching Venues may operate in accordance with State of Florida Office of the Governor Executive Order 20-112 and related subsequent orders applicable to Palm Beach County.
3. Facial Coverings: In accordance with CDC Guidelines, in addition to practicing social distancing, Launching Venue staff, as well as customers, should utilize personal protective equipment, including, but not limited to, face coverings and gloves.
4. Boat Distances and Overnight Parking: All vessels on the water, including but not limited to boats, shall remain at least 50 feet apart at all times. Overnight parking, whether vehicles or vessels, at boat ramps is prohibited.

B. Marine Activities.

1. Prohibited Activities: Marine recreational activities, including, but not limited to, fishing, jet skiing, and recreational boating, shall be allowed in accordance with CDC Guidelines, however the following activities remain prohibited:
 - a. Boating and any recreational activities that do not comply with CDC Guidelines, including, but not limited to, any activities that do not allow for proper social distancing.
 - b. Flotillas, which include but are not limited to, two or more boats traveling together or anchored within 50 feet of each other.
 - c. Any activities resulting in gatherings of more than 10 people.
 - d. Rafting up of boats, which includes but is not limited to, the roping or tying together of boats or vessels.
 - e. Beaching, landings, anchoring, or mooring of vessels on sandbars, islands, and open shorelines.

f. Any non-commercial boating that exceeds the following capacity limitations:

Boats 25' or less: 4 adult passengers maximum, plus children 17 and under.
Maximum of 6 people on the boat.

Boats 26' - 36': 6 adult passengers maximum, plus children 17 and under.
Maximum of 8 people on the boat.

Boats 37'-60': 8 adult passengers maximum, plus children 17 and under.
Maximum of 10 people on the boat.

Boats over 60': 10 passengers maximum, not including crew members.

C. Charter Boats, Fishing Boats, and Dive Boats.

1. Charter boats, fishing boats, and dive boats ("Commercial Recreational Vessels"), may resume operations provided that CDC Guidelines, including all social distancing guidelines, are adhered to. In addition, Commercial Recreational Vessels shall adhere to the following restrictions:

- a. Any services offered in connection with Commercial Recreational Vessels that do not comply with CDC Guidelines, including, but not limited to, any activities that do not allow for proper social distancing, are prohibited.
- b. All patrons utilizing Commercial Recreational Vessels should have their own equipment, including, but not limited to, fishing poles and tackle.
- c. All restrooms on Commercial Recreational Vessels shall post CDC cleanliness guidelines. Soap, water, and/or hand sanitizer for patrons is required. Restrooms shall be cleaned and disinfected regularly throughout the day.
- d. All Commercial Recreational Vessels shall delineate patron or group seating positions, including, but not limited to, dive seats and fishing positions, a minimum of 6 feet apart by utilizing tape or any other adhesive to ensure proper social distancing. In addition, all landside services relating to Commercial Recreational Vessels that require patrons to form a line shall delineate, utilizing tape or any other adhesive, 6 feet distances to ensure proper social distancing.
- e. All fish cleaning/bait stations shall be limited to one person per station at a time. In addition, proper cleaning and sanitation process shall be practiced.
- f. Any fish filleting services offered in connection with Commercial Recreational Vessels shall be limited to one mate per table.

- g. In accordance with CDC Guidelines, in addition to practicing social distancing, all persons utilizing Commercial Recreational Vessels, whether on the dock, on board, or as part of the landside operations, including, but not limited to, the captain, crew, and patrons, should utilize personal protective equipment, including, but not limited to, face coverings and gloves.

D. Rentals of Jet Skis, Boats, Canoes, Kayaks, and Paddle Boards.

- 1. Rentals of jet skis, boats, canoes, kayaks, and paddle boards may resume operations provided that CDC Guidelines, including all social distancing guidelines, are adhered to. In addition, the following restrictions shall apply:
 - a. Jet Ski Rentals: Jet ski rental operations shall be limited to single riders only (or to one adult and one immediate child family member).
 - b. Boat Rentals: Boat rental companies shall adhere to the same guidelines applicable to all boating activities set forth in this Order, including this Attachment.
 - c. Canoes/Kayaks/Paddle Boards: shall be limited to single person use or two-person use if 6 feet distancing is possible.

E. Marine Construction, Repair, and Commercial Fishing.

- 1. Marine construction, vessel/engine repairs and maintenance and commercial fishing may resume operations provided that CDC Guidelines, including all social distancing guidelines, are adhered to. In addition, commercial fishing, commercial marine operations, and support services thereto are permitted to continue to operate as previously provided in PBC Emergency Order 2020-001a.
- 2. Commercial Fishermen with proper license documentation will continue to have 24-hour access to designated ramp sites; this access shall also include fishing guides who carry less than four passengers and possess a commercial charter, six-pack or higher Captain's license and a county registered business license.

F. Saltwater and Freshwater Boat Ramp/Launch Protocol.

- 1. Saltwater and freshwater boat ramps ("Boat Ramps") may be utilized provided that CDC Guidelines, including all social distancing guidelines, are adhered to. In addition, the following protocol shall be followed:
 - a. Boat Ramps shall be open sunrise to sunset except for when utilized by commercial boats (24-hour access at designated sites) unless further modified by appropriate authorities.

- b. One (1) boat per launch ramp bay at a time. Vessels must be prepared in advance to launch (i.e., plug secured, dock lines tied, safety equipment and provisions already onboard). All passengers must board the vessel once it is launched.
- c. Upon returning to the dock, all passengers must remain on the vessel until the boat is ready to be loaded onto the trailer. Once loaded, the passenger(s) shall return to their vehicle(s) and exit the launch facility together.

G. Fishing Piers, Fish Cleaning Stations, Public Restrooms/Ship Stores, and Fuel Docks

- 1. Fishing piers, fish cleaning stations, public restrooms, ship stores (bait and tackle), and fuel docks may operate and be utilized provided that CDC Guidelines, including all social distancing guidelines, are adhered to. In addition, the following protocol shall be followed:
 - a. Fish cleaning stations: Shall be limited to access by one (1) person per station at a time. Proper cleaning and sanitation processes should always be practiced.
 - b. Fishing piers: Physical distancing at a minimum of 6 feet between fishermen must be followed.
 - a. Public restrooms: Access to public restrooms shall be available. Restrooms shall be cleaned and disinfected regularly throughout the day. Soap and water or hand sanitizer and/or disinfectant wipes shall be provided in each restroom.
 - b. Ship stores (bait and tackle): Those entering ship (bait & tackle) stores should, in accordance with CDC Guidelines, in addition to practicing social distancing, utilize personal protective equipment, including, but not limited to, face coverings.
 - c. Fuel docks: Shall be permitted to operate in compliance with CDC Guidelines.

ATTACHMENT 3- REVISION 2 GOLF REQUIREMENTS

3a: Golf Course Requirements

All municipal, public, and privately run golf courses in Palm Beach County shall adhere to the following:

1. Play shall be set-up for walking, single-rider golf cart, shared cart with internal physical passenger divider from the seat to the roof, players wearing masks, or for families living in the same household. Course staff shall confirm household verification by ID. Shared carts shall be marked and identified by a small colored flag to indicate verified family sharing.
2. A course's practice facilities, including driving ranges, may open. The practice facilities shall be set up so that golfers are spaced at least 10 feet apart and golfers shall not congregate on or near the driving range.
3. Golf instruction and club fitting may be conducted following strict social distancing guidelines.
4. Players shall not congregate near the check-in or starter's booth.
5. Staff shall not handle bags, clubs, or other equipment, or transport these items to and from the parking lot: players will be responsible for bringing their golf equipment to a designated area.
6. Clubhouses shall operate at the same maximum capacities applicable to restaurants in accordance with State of Florida Office of the Governor Executive Order 20-112 and related subsequent orders applicable to Palm Beach County.
7. All league, clinic, camp, youth and other organized activities are allowed following strict social distancing guidelines.
8. Caddy service is allowed with strict social distancing measures in place.
9. Restaurants may open for take-out service or on-premises consumption of food and beverage in accordance with State of Florida Office of the Governor Executive Order 20-112 and related subsequent orders applicable to Palm Beach County.
10. In the event that golf course restaurants are open for take-out service, designated signage shall be placed on carts and around the clubhouse with the phone number to call for food orders and an explanation of how to pay, if such service is offered by the facility.

11. There shall be no club storage or retrieval by staff except as required under the Americans with Disabilities Act.
12. Check in and payment shall be conducted in compliance with the CDC guidelines available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html> and in Attachment 1 as amended. Remote check-in procedures are encouraged. Access to the pro shop shall be limited and controlled to ensure social distancing guidelines are met in accordance with State of Florida Office of the Governor Executive Order 20-112 and related subsequent orders applicable to Palm Beach County.
13. Club Staff should wear protective equipment as recommended by the CDC Guidelines.
14. Tee times shall be maintained at a minimum of 9-minute intervals for purposes of social distancing.
15. Food and beverage carts shall be allowed with staff wearing protective equipment and utilizing procedures that maintain best sanitary practices and social distancing guidelines, including:
 - Staff will be required to wear a facemask and gloves;
 - Signage will be placed on beverage carts stating that no player will be allowed to touch anything on the beverage cart; and
 - Only cart attendant will distribute items from the cart.
16. Designated signage shall be placed outside the pro-shop and clubhouse outlining the social distancing and facial covering mandates of the CDC Guidelines.
17. A swimming “noodle” or similar device shall be used to fill the hole, or the cup will be raised an inch above ground to prevent the ball from going in the hole. Players shall be informed not to touch or remove flagsticks from the cups at all times; unless a touchless ball removal device is used.
18. Rakes in all bunkers shall be removed: the USGA suggests golfers play preferred lie and players to “rake” with their feet.
19. Shared materials shall be removed from golf carts and only issued to individuals when requested from starter. Where appropriate, such items shall thereafter be discarded after their initial use. Non-disposal items shall be thoroughly disinfected by staff prior to use by subsequent golfers.
20. All ball washers accessible to players will be removed or locked down.
21. When playing, golfers shall practice social distancing per the CDC Guidelines.
22. On-course and club restrooms shall be cleaned and disinfected regularly throughout the day.

23. Soap and water, or hand sanitizer and/or disinfectant wipes, shall be provided in each restroom.
24. All portable water stations shall be removed. Pre-wired water stations may be used to fill water containers. Golfers shall be instructed to use their gloved hand for water access.
25. Golfers shall be instructed to bring their own water and bottles for proper hydration; restrictions are lifted for personal coolers containing water.
26. Golf carts shall be cleaned and disinfected after each round.
27. Players shall not congregate after play. Players shall leave the golf facility immediately upon completion of play.
28. Courses shall distribute course rules and the list of Golfer Responsibilities (Attachment 3b. titled "Golfer Responsibilities") upon check-in.

3b: Golfer Responsibilities

1. Players shall not congregate near the check-in or starter's booth.
2. Staff shall not handle bags, clubs, or other equipment, or transport these items to and from parking lot: players will be responsible for bringing their golf equipment to a designated area.
3. Players shall not touch or remove flagsticks from the cups at any time (any putts that hit the swimming "noodle" or similar device used to fill the hole, or the cup, will be considered holed), unless a touchless ball removal device is used.
4. Rakes in all bunkers shall be removed by golf course staff: the USGA suggests golfers play preferred lie and players to "rake" with their feet.
5. When playing, golfers should maximize physical distance per CDC Guidelines at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/socialdistancing.html> and attached to Palm Beach County Emergency Order No. 5, including any amendments thereto. All players shall stay at least six (6) feet apart at all times, and a course ranger or other staff member shall monitor player compliance on the course.
6. Play is set-up for walking, single-rider golf cart, shared cart with internal physical passenger divider from the seat to the roof, players wearing masks, or shared cart for families living in the same household. Course staff shall confirm household verification by ID. Shared carts shall be marked and identified by a small colored flag to indicate verified family sharing.

7. Golfers shall bring their own water bottles and personal coolers containing water for proper hydration. When utilizing pre-wired water stations to fill water containers, golfers shall use their gloved hand for water access.
8. Golfers are encouraged to change shoes in the parking lot and bring their own hand sanitizer.
9. All golfers shall not congregate after play and shall leave the golf facility immediately upon completion of play to eliminate congestion and gathering on the property or in the parking lot.

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ATTACHMENT 4 - REVISION 2
PUBLIC PARKS, PRIVATE PARKS, AND NATURAL AREAS REOPENING
REQUIREMENTS

A. Public parks, private parks, and natural areas requirements:

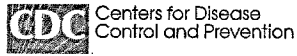
1. Public county and municipal parks, private parks, and natural areas may reopen provided that CDC Guidelines, including all social distancing guidelines, are adhered to.
2. Police, park rangers, and designated facility staff shall patrol parks and natural areas and monitor and ensure compliance with physical distancing guidelines.
3. Parks shall follow CDC Guidelines to keep open facilities clean and sanitized. Restroom availability may be limited.
4. Park hours shall be sunrise to sunset with the exception of supervised sports facilities with lights and unless further modified by appropriate authorities.
5. Natural areas, trails, jogging paths (one-way, unidirectional) are only open for walking, running, strolling, biking, and equestrian riding, where otherwise allowed.
6. Fishing, canoeing/kayaking, fresh water boat ramps, water skiing, wake boarding, disc golf, canoe, kayak and bicycle rental, dog parks, supervised skate parks and bicycle tracks, are permitted as long as CDC Guidelines, including, but not limited to, social distancing are practiced and supervision is in place in skate parks and bicycle tracks.
7. Equestrian activities may reopen provided that CDC Guidelines including, but not limited to, proper social distancing are followed.

B. Restriction of recreational activities in public parks, private parks, and natural areas:

1. All park playgrounds, play and exercise equipment shall remain closed.
2. Picnic pavilions serving up to 10 persons may be open.
3. Use of water fountains is prohibited with the exception of bottle filler stations and dog water fountains.
4. Congregating in groups of 10 or more is prohibited.
5. Courts including basketball, tennis, pickleball, and racquetball may be open.
6. Recreation buildings and gymnasiums may reopen subject to the capacity limitations and social distancing guidelines included in State of Florida Office of the Governor Executive Order 20-112 and related subsequent orders applicable to Palm Beach County.

7. Campgrounds shall remain closed.
8. Field and lawn sports are allowed with no more than 50 persons per field including sidelines. All waiting players and spectators shall maintain 6 ft. physical distancing.
9. Field and lawn sports shall promote hygiene and not permit hand slaps, huddles, or shared water bottles and food. Sportsmanship shall continue in a touchless manner.
10. Youth sports activities and leagues are permitted. Organizers and sponsors of youth sports activities and leagues should be familiar with CDC Considerations for Youth Sports included herein as Section C and utilize them in identification and implementation of measures to protect players, coaches, instructors, and spectators.
11. Use of shared sports equipment is discouraged. Balls and team benches shall be disinfected before and after each practice or game.
12. Food and beverage concessions are permitted in accordance with State of Florida Office of the Governor Executive Order 20-112 and related subsequent orders applicable to Palm Beach County.

C. CDC CONSIDERATIONS FOR YOUTH SPORTS
(REFER TO FOLLOWING PAGES)



Coronavirus Disease 2019 (COVID-19)

Considerations for Youth Sports

As some communities in the United States begin to start youth sports activities again, the Centers for Disease Control and Prevention (CDC) offers the following considerations for ways in which youth sports organizations can protect players, families, and communities and slow the spread of the Coronavirus Disease 2019 (COVID-19). Administrators of youth sports organizations can consult with state and local health officials to determine if and how to put into place these considerations. Each community may need to make adjustments to meet its unique needs and circumstances. Implementation should be guided by what is practical, acceptable, and tailored to the needs of each community. These considerations are meant to supplement – **not replace** – any state, local, territorial, or tribal health and safety laws, rules, and regulations with which youth sports organizations must comply.

Guiding Principles to Keep in Mind

There are a number of actions youth sports organizations can take to help lower the risk of COVID-19 exposure and reduce the spread during competition and practice. The more people a child or coach interacts with, the closer the physical interaction, the more sharing of equipment there is by multiple players, and the longer that interaction, the higher the risk of COVID-19 spread. Therefore, risk of COVID-19 spread can be different, depending on the type of activity. The risk of COVID-19 spread increases in youth sports settings as follows:

- **Lowest Risk:** Performing skill-building drills or conditioning at home, alone or with family members.
- **Increasing Risk:** Team-based practice.
- **More Risk:** Within-team competition.
- **Even More Risk:** Full competition between teams from the same local geographic area.
- **Highest Risk:** Full competition between teams from different geographic areas.

If organizations are not able to keep in place safety measures during competition (for example, maintaining social distancing by keeping children six feet apart at all times), they may consider dropping down a level and limiting participation to within-team competition only (for example, scrimmages between members of the same team) or team-based practices only. Similarly, if organizations are unable to put in place safety measures during team-based activities, they may choose individual or at-home activities, especially if any members of the team are at high-risk for severe illness.

Assessing Risk

The way sports are played, and the way equipment is shared can influence the spread of COVID-19 among players. When you are assessing the risk of spread in your sport, consider:

- **Physical closeness of players, and the length of time that players are close to each other or to staff.** Sports that require frequent closeness between players may make it more difficult to maintain social distancing, compared to sports where players are not close to each other. For close-contact sports (e.g., wrestling, basketball), play may be modified to safely increase distance between players.
 - For example, players and coaches can:
 - focus on individual skill building versus competition;
 - limit the time players spend close to others by playing full contact only in game-time situations;
 - decrease the number of competitions during a season.

Coaches can also modify practices so players work on individual skills, rather than on competition. Coaches may also put players into small groups (cohorts) that remain together and work through stations, rather than switching groups or mixing groups.

- **Amount of necessary touching of shared equipment and gear (e.g., protective gear, balls, bats, racquets, mats, or water bottles).** It is also possible that a person can get COVID-19 by touching a surface or object that has the virus on it and

additionally, it is also possible that a person can get COVID-19 by touching a surface or object that has the virus on it, and then touching their own mouth, nose, or eyes. Minimize equipment sharing, and clean and disinfect shared equipment between use by different people to reduce the risk of COVID-19 spread.

- **Ability to engage in social distancing while not actively engaged in play (e.g., during practice, on the sideline, or in the dugout).** During times when players are not actively participating in practice or competition, attention should be given to maintaining social distancing by increasing space between players on the sideline, dugout, or bench. Additionally, coaches can encourage athletes to use downtime for individual skill-building work or cardiovascular conditioning, rather than staying clustered together.
- **Age of the player.** Older youth might be better able to follow directions for social distancing and take other protective actions like not sharing water bottles. If feasible, a coach, parent, or other caregiver can assist with making sure that athletes maintain proper social distancing. For younger athletes, youth sports programs may ask parents or other household members to monitor their children and make sure that they follow social distancing and take other protective actions (e.g., younger children could sit with parents or caregivers, instead of in a dugout or group area).
- **Players at higher risk of developing serious disease.** Parents and coaches should assess level of risk based on individual players on the team who may be at higher risk for severe illness, such as children who may have asthma, diabetes, or other health problems.
- **Size of the team.** Sports with a large number of players on a team may increase the likelihood of spread, compared to sports with fewer team members. Consider decreasing team sizes, as feasible.
- **Nonessential visitors, spectators, volunteers.** Limit any nonessential visitors, spectators, volunteers, and activities involving external groups or organizations.
- **Travel outside of the local community.** Traveling outside of the local community may increase the chances of exposing players, coaches, and fans to COVID-19, or unknowingly spreading it to others. This is the case particularly if a team from an area with high levels of COVID-19 competes with a team from an area with low levels of the virus. Youth sports teams should consider competing only against teams in their local area (e.g., neighborhood, town, or community).

Promoting Behaviors that Reduce Spread

Youth sports organizations may consider implementing several strategies to encourage behaviors that reduce the spread of COVID-19.

- **Staying Home when Appropriate**
 - Educate staff and player families about when they should stay home and when they can return to activity
 - Actively encourage sick staff, families, and players to stay home. Develop policies that encourage sick employees to stay at home without fear of reprisal, and ensure employees aware of these policies.
 - Individuals, including coaches, players, and families, should stay home if they have tested positive for or are showing COVID-19 symptoms.
 - Individuals, including coaches, players, and families, who have recently had a close contact with a person with COVID-19 should also stay home and monitor their health.
 - CDC's criteria can help inform return to work/school policies:
 - If they have been sick with COVID-19
 - If they have recently had a close contact with a person with COVID-19
- **Hand Hygiene and Respiratory Etiquette**
 - Teach and reinforce handwashing with soap and water for at least 20 seconds
 - If soap and water are not readily available, hand sanitizer that contains at least 60% alcohol can be used (for staff and older children who can safely use hand sanitizer).
 - Do not allow spitting and encourage everyone to cover their coughs and sneezes with a tissue or use the inside of their elbow. Used tissues should be thrown in the trash and hands washed immediately with soap and water for at least 20 seconds.
 - If soap and water are not readily available, hand sanitizer that contains at least 60% alcohol can be used.
- **Cloth Face Coverings**
 - Teach and reinforce the use of cloth face coverings. Face coverings are not intended to protect the wearer, but rather to reduce the risk of spreading COVID-19 from the person wearing the mask (who may not have any symptoms of disease). Face coverings may be challenging for players (especially younger players) to wear while playing sports. Face coverings should be worn by coaches, youth sports staff, officials, parents, and spectators as much as possible.
 - Wearing cloth face coverings is most important when physical distancing is difficult

- Wearing cloth face coverings is most important when physical distancing is difficult.
- o People wearing face coverings should be reminded to not touch the face covering and to wash their hands frequently. Information should be provided to all participants on the proper use, removal, and washing of cloth face coverings.
 - Note: Cloth face coverings should **not** be placed on:
 - Babies and children younger than 2 years old;
 - Anyone who has trouble breathing or is unconscious;
 - Anyone who is incapacitated or otherwise unable to remove the cloth face covering without assistance.
- Adequate Supplies
 - o If hand washing facilities are available, support healthy hygiene by providing supplies including soap, paper towels, tissues, and no-touch/foot pedal trash cans. If hand washing facilities are not available, provide hand sanitizer with at least 60% alcohol (for coaches, staff and older players who can safely use hand sanitizer).
- Signs and Messages
 - o Post signs in highly visible locations (e.g., at entrances and exits, and in restrooms) that promote everyday protective measures and describe how to stop the spread of germs such as by properly washing hands and properly wearing a cloth face covering.
 - o Broadcast regular announcements on public announcement (PA) system
 - o Include COVID-19 prevention messages (for example, videos) about behaviors that prevent spread of COVID-19 when communicating with staff, volunteers, officials, and families. This could include links, videos, and prevention messages in emails, on organization websites, and through the team and league's social media accounts.
 - o Find freely available CDC print and digital resources on CDC's communication resources main page.

Maintaining Healthy Environments

Youth sports organizations may consider implementing several strategies to maintain healthy environments.

- Cleaning and Disinfection
 - o Clean and disinfect frequently touched surfaces on the field, court, or play surface (e.g., drinking fountains) at least daily, or between uses as much as possible. Use of shared objects and equipment (e.g., balls, bats, gymnastics equipment) should be limited, or cleaned between use by each individual if possible.
 - o Develop a schedule for increased, routine cleaning and disinfection.
 - o Ensure safe and correct use and storage of disinfectants, including storing products securely away from children. Use products that meet EPA disinfection criteria.
 - o Identify an adult staff member or volunteer to ensure proper cleaning and disinfection of objects and equipment, particularly for any shared equipment or frequently touched surfaces.
 - o Cleaning products should not be used near children, and staff should ensure that there is adequate ventilation when using these products to prevent children or themselves from inhaling toxic fumes.
 - o Use gloves when removing garbage bags or handling and disposing of trash. Wash hands after removing gloves.
- Shared Objects
 - o Discourage sharing of items that are difficult to clean, sanitize, or disinfect. Do not let players share towels, clothing, or other items they use to wipe their faces or hands.
 - o Make sure there are adequate supplies of shared items to minimize sharing of equipment to the extent possible (e.g., protective gear, balls, bats, water bottles); otherwise, limit use of supplies and equipment to one group of players at a time and clean and disinfect between use.
 - Keep each player's belongings separated from others' and in individually labeled containers, bags, or areas.
 - If food is offered at any event, have pre-packaged boxes or bags for each attendee instead of a buffet or family-style meal. Avoid sharing food and utensils. Offer hand sanitizer or encourage hand washing.
- Ventilation
 - o If playing inside, ensure ventilation systems or fans operate properly. Increase circulation of outdoor air as much as possible, for example by opening windows and doors. Do not open windows and doors if doing so poses a safety or health risk (e.g., risk of falling or triggering asthma symptoms) to players or others using the facility.
- Water Systems
 - o To minimize the risk of Legionnaires' disease and other diseases associated with water, take steps to ensure that all water systems and features (e.g., drinking fountains, decorative fountains) are safe to use after a prolonged facility

shutdown. Drinking fountains should be cleaned and disinfected but encourage staff and players to bring their own water to minimize touching water fountains.

- **Modified Layouts and Social (Physical) Distancing**
 - Identify adult staff members or volunteers to help maintain social distancing among youth, coaches, umpires/referees, and spectators (if state and local directives allow for spectators).
 - Space players at least 6 feet apart on the field while participating in the sport (e.g., during warmup, skill building activities, simulation drills)
 - Discourage unnecessary physical contact, such as high fives, handshakes, fist bumps, or hugs.
 - Prioritize outdoor, as opposed to indoor, practice and play as much as possible.
 - Create distance between players when explaining drills or the rules of the game.
 - If keeping physical distance is difficult with players in competition or group practice, consider relying on individual skill work and drills.
 - Encourage players to wait in their cars with guardians until just before the beginning of a practice, warm-up, or game, instead of forming a group.
 - Limit the use of carpools or van pools. When riding in an automobile to a sports event, encourage players to ride to the sports event with persons living in their same household.
 - If practices or competition facilities must be shared, consider increasing the amount of time between practices and competitions to allow for one group to leave before another group enters the facility. If possible, allow time for cleaning and/or disinfecting.
- **Physical Barriers and Guides**
 - Provide physical guides, such as signs and tape on floors or playing fields, to make sure that coaches and players remain at least 6 feet apart.
- **Communal Spaces**
 - Close shared spaces such as locker rooms, if possible; otherwise, stagger use and clean and disinfect between use.
 - Limit the number of players sitting in confined player seating areas (e.g., dugouts) by allowing players to spread out into spectator areas if more space is available (e.g., if spectators are not allowed).

Maintaining Healthy Operations

Youth sports organizations may consider implementing several strategies to maintain healthy operations.

- **Protections for Staff and Players at Higher Risk for Severe Illness from COVID-19**
 - Offer options for individuals at higher risk of severe illness from COVID-19 (risk increases with age, and people of any age with certain medical conditions are at higher risk), such as virtual coaching and in-home drills that limits their exposure risk.
 - Limit youth sports participation to staff and youth who live in the local geographic area (e.g., community, city, town, or county) to reduce risk of spread from areas with higher levels of COVID-19.
- **Regulatory Awareness**
 - Be aware of state or local regulatory agency policies related to group gatherings to determine if events can be held.
- **Identifying Small Groups and Keeping them Together (Cohorting)**
 - Keep players together in small groups with dedicated coaches or staff, and make sure that each group of players and coach avoid mixing with other groups as much as possible. Teams might consider having the same group of players stay with the same coach or having the same group of players rotate among coaches.
 - Consider staging within-team scrimmages instead of playing games with other teams to minimize exposure among players and teams.
- **Staggered Scheduling**
 - Stagger arrival and drop-off times or locations by cohort (group) or put in place other protocols to limit contact between groups and with guardians as much as possible. One example is increasing the amount of time between practices and competitions to allow for one group to depart before another group enters the facility. This also allows for more time to clean the facility between uses.
 - When possible, use flexible worksites (e.g., telework) and flexible work hours (e.g., staggered shifts) to help establish policies and practices for social distancing (maintaining a distance of approximately 6 feet) between employees and others, especially if social distancing is recommended by state and local health authorities.

- **Gatherings, Spectators, and Travel**
 - Avoid group events, such as games, competitions, or social gatherings, where spacing of at least 6 feet between people cannot be maintained.
 - Limit any nonessential visitors, spectators, volunteers, and activities involving external groups or organizations as much as possible – especially with individuals not from the local geographic area (e.g., community, town, city, or county).
 - Avoid activities and events such as off-site competitions or excursions (e.g., watching a professional team compete).
- **Designated COVID-19 Point of Contact**
 - Designate a youth sports program staff person to be responsible for responding to COVID-19 concerns. All coaches, staff, officials, and families should know who this person is and how to contact them.
- **Communication Systems**
 - Put systems in place for:
 - Consistent with applicable law and privacy policies, having coaches, staff, umpires/officials, and families of players (as feasible) self-report to the youth sports organization if they have symptoms of COVID-19, a positive test for COVID-19, or were exposed to someone with COVID-19 within the last 14 days in accordance with health information sharing regulations for COVID-19 [\[4\]](#) (e.g. see “Notify Health Officials and Close Contacts” in the **Preparing for When Someone Gets Sick** section below), and other applicable laws and regulations.
 - Notifying staff, officials, families, and the public of youth sports facility closures and restrictions in place to limit COVID-19 exposure (e.g., limited hours of operation).
- **Leave (Time Off) Policies**
 - Implement flexible sick leave policies and practices for coaches, officials, and staff that enable employees to stay home when they are sick, have been exposed, or caring for someone who is sick.
 - Examine and revise policies for leave, telework, and employee compensation.
 - Leave policies should be flexible and not be punitive to people for taking time off and should allow sick employees to stay home and away from co-workers. Leave policies should also account for employees who need to stay home with their children if there are school or childcare closures, or to care for sick family members.
 - Develop policies for return-to-play after COVID-19 illness. CDC’s criteria to discontinue home isolation and quarantine can inform these policies.
- **Back-up Staffing Plan**
 - Monitor absenteeism of coaches and officials, cross-train staff, and create a roster of trained back-up personnel.
- **Coach and Staff Training**
 - Train coaches, officials, and staff on all safety protocols.
 - Conduct training virtually, or ensure that social distancing is maintained during training.
- **Recognize Signs and Symptoms**
 - If feasible, conduct daily health checks (e.g., symptom checking) of coaches, officials, staff, and players safely and respectfully, and in accordance with any applicable privacy and confidentiality laws and regulations.
 - Youth sports program administrators may use examples of screening methods found in CDC’s supplemental Guidance for Child Care Programs that Remain Open as a guide for screening children, and CDC’s General Business FAQs for screening staff.
- **Sharing Facilities**
 - Encourage any organizations that share or use the youth sports facilities to also follow these considerations.
- **Support Coping and Resilience**
 - Encourage employees to take breaks from watching, reading, or listening to news stories, including social media if they are feeling overwhelmed or distressed.
 - Promote healthy eating, exercising, getting sleep, and finding time to unwind.
 - Encourage employees to talk with people they trust about their concerns and how they are feeling.
 - Consider posting signs for the national distress hotline: 1-800-985-5990, or text TalkWithUsto 66746

Preparing for When Someone Gets Sick

Youth sports organizations may consider implementing several strategies to prepare for when someone gets sick.

- **Advise Sick Individuals of Home Isolation Criteria**
 - Sick coaches, staff members, umpires/officials, or players should not return until they have met CDC's criteria to discontinue home isolation.
- **Isolate and Transport Those Who are Sick**
 - Make sure that coaches, staff, officials, players, and families know that sick individuals should not attend the youth sports activity, and that they should notify youth sports officials (e.g., the COVID-19 point of contact) if they (staff) or their child (families) become sick with COVID-19 symptoms, test positive for COVID-19, or have been exposed to someone with COVID-19 symptoms or a confirmed or suspected case.
 - Immediately separate coaches, staff, officials, and players with COVID-19 symptoms (i.e., fever, cough, shortness of breath) at any youth sports activity. Individuals who are sick should go home or to a healthcare facility, depending on how severe their symptoms are, and follow CDC guidance for caring for oneself and others who are sick. Individuals who have had close contact with a person who has symptoms should be separated and sent home as well, and follow CDC guidance for community-related exposure (see "Notify Health Officials and Close Contacts" below). If symptoms develop, individuals and families should follow CDC guidance for caring for oneself and others who are sick.
 - Establish procedures for safely transporting anyone who is sick to their home or to a healthcare facility. If you are calling an ambulance or bringing someone to the hospital, try to call first to alert them that the person may have COVID-19.
- **Clean and Disinfect**
 - Close off areas used by a sick person and do not use these areas until after cleaning and disinfecting them (for outdoor areas, this includes surfaces or shared objects in the area, if applicable).
 - Wait at least 24 hours before cleaning and disinfecting. If 24 hours is not feasible, wait as long as possible. Ensure safe and correct use and storage of cleaning and disinfection products, including storing them securely away from children.
- **Notify Health Officials and Close Contacts**
 - In accordance with state and local privacy and confidentiality laws and regulations, youth sports organizations should notify local health officials, youth sports program staff, umpires/officials, and families immediately of any case of COVID-19 while maintaining confidentiality in accordance with the Americans with Disabilities Act (ADA) and other applicable laws and regulations.
 - Work with local health officials to develop a reporting system (e.g., letter) youth sports organizations can use to notify health officials and close contacts of cases of COVID-19.
 - Advise those who have had close contact with a person diagnosed with COVID-19 to stay home and self-monitor for symptoms, and to follow CDC guidance if symptoms develop.

Communication Resources

CHECKLIST FOR COACHES

Protect Players from COVID-19

- ☐ Send a welcome email or call parents and/or players. Inform them about actions that the sports program will take to protect players. Remind them to stay home if sick or if they have been around someone who is sick.
- ☐ Rea re-entrant. Wear a cloth face cover and encourage parents, fans, officials, and spectators to wear one during practices and games.
- ☐ Provide hand sanitizer with at least 60% alcohol to players before and after practices/games, and encourage them to wash their hands with soap and water.
- ☐ Educate players about sneezing coughs and sneezes with their elbows or their sleeve. Photo: CDC



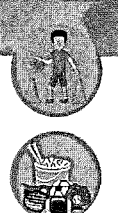
Checklist for Coaches
Help protect players and staff from COVID-19

Download [PDF - 315 KB]

KEEP YOUTH ATHLETES SAFE

Reduce the Spread of COVID-19 in Youth Sports

- Reduce physical closeness between players when possible
 - Allow players to focus on building individual skills, like batting, dribbling, kicking, and strength training
 - Limit full contact between players to game days (avoid during practice)
 - Increase space between players in the practice areas, including on the sidelines, dugout, and bench
 - Avoid high fives, handshakes, fist bumps or hugs
- Minimize sharing of equipment or gear
 - Encourage players to bring their own equipment, like gloves, bats, and helmets (if possible)
 - Clean and disinfect shared items between use
- Limit travel outside of your area



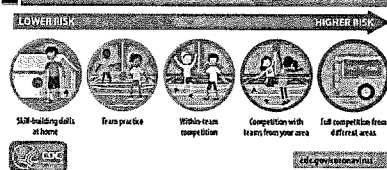
Keep Youth Athletes Safe
(Poster)

Follow these tips to reduce the spread of COVID-19 in youth sports

Download [PDF - 418 KB]

YOUTH SPORTS GAME PLAN

Reduce the Spread of COVID-19



Assess Your Risk
(Graphic)

Game plan on to how reduce risk while playing sports

Download [IMAGE - 425 KB]

Letter for parents

Dear Parents,



STAY SAFE ON AND OFF THE FIELD

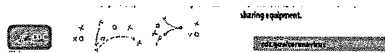




Letter Template for Sports Administrators and Coaches

Send out a customized letter to parents to inform them about steps taken to protect players.

Download [DOC – 65 KB]



Sports Banner (6'X3')

Educate players on how to stay staff on and off the field

Download [PDF – 408 KB]

Other Resources

[Latest COVID-19 Information](#)

[Cleaning and Disinfection](#)

[Guidance for Businesses and Employers](#)

[Guidance for Park Administrators and Visitors \(including for aquatic venues\)](#)

[Guidance for Schools and Childcare Centers](#)

[Guidance for Park Administrators](#)

[COVID-19 Prevention](#)

[Handwashing Information](#)

[Face Coverings](#)

[Social Distancing](#)

[COVID-19 Frequently Asked Questions](#)

[Persons at Higher Risk](#)

[Managing Stress and Coping](#)

[HIPAA and COVID-19](#)

[CDC communication resources](#)

[Community Mitigation](#)

Page last reviewed: May 29, 2020

EXHIBIT D

NOT A CERTIFIED COPY



**EMERGENCY ORDER NUMBER 12
PALM BEACH COUNTY COVID-19
ADDITIONAL DIRECTIVE ON WEARING OF FACIAL COVERINGS**

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

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, the County Administrator pursuant to the authorities cited below has issued various Emergency Orders including Emergency Order 2020-004, Directive to Wear Facial Covers, effective on April 13, 2020; and

WHEREAS, on May 16, 2020, the County Administrator issued Emergency Order 2020-008, amending Emergency Order 2020-004, Directive to Wear Facial Covers, to add

a mandatory requirement for persons utilizing the County's Palm Tran transit services to wear facial coverings at all times when entering, riding, or exiting the bus or transit vehicle; and

WHEREAS, on June 4, 2020, the County Administrator issued an additional directive in Emergency Order 2020-010 mandating the wearing of facial coverings within County-owned and operated buildings including, but not limited to, office buildings, service centers, and libraries; and

WHEREAS, on June 16, 2020 and June 23, 2020, during meetings of the Board of County Commissioners, the Florida Department of Health's Palm Beach County Director, Dr. Alina Alonso, continued to stress the importance of social distancing and wearing facial coverings as the best methods to reduce the spread of Coronavirus in the absence of a vaccine against the disease; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) also continue to encourage the use of cloth face coverings to help slow the spread of Coronavirus; and

WHEREAS, Palm Beach County has experienced a sharp increase in the number of positive cases of COVID-19 in late May and June 2020. The Board of County Commissioners has determined that additional measures are needed to minimize the spread of COVID-19 and has directed the County Administrator to issue an additional order mandating the wearing of facial coverings in all businesses and establishments and in outdoor public spaces where social distancing is not possible.

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. The foregoing recitals are hereby incorporated herein by reference.
2. **Palm Beach County Emergency Orders 2020-004, 2020-008 and 2020-010 are hereby repealed and replaced with this Order 2020-012.**
3. This Order applies in all incorporated and unincorporated areas of Palm Beach County.

4. **Facial Coverings**

- a. **Businesses and Establishments - Facial Coverings Required.** Facial coverings must be worn by all persons, other than those specifically exempted in Section 4e. while obtaining any good or service or otherwise visiting or working in any business or establishment, including entering, exiting, and otherwise moving around within the establishment. Businesses or establishments of any type, including but not limited to, those permitted to operate under Executive Order of the Governor or any Palm Beach County Emergency Order are subject to this provision. Such businesses and establishments include, but are not limited to, restaurants, retail establishments, hotels, grocery stores, gyms, pharmacies, indoor recreational facilities, and vehicles for hire.
- 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. 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.
- c. **Palm Tran – Facial Coverings Required.** All persons utilizing the County's Palm Tran transit services including fixed route, Palm Tran Connection, Go Glades, and any other transit service provided by Palm Tran, shall wear facial coverings at all times when entering, riding, or exiting the bus or transit vehicle, unless a medical accommodation is arranged in advance by contacting Palm Tran at (561) 841-4287.
- d. **County and Municipal Governmental Facilities - Facial Coverings Required.** All persons accessing governmental buildings for the purposes of conducting public business, visitation, contracting and maintenance, delivery, or any other activity requiring a presence in a governmental building shall wear facial coverings as defined by the CDC at all times while present in the building. For purposes of this section, governmental buildings shall mean any Palm Beach County or municipal-owned and operated buildings including, but not limited to, office buildings, service centers, and libraries.

e. **Exemptions - Facial Coverings Not Required.** Facial coverings are not required for the following persons:

1. Children under two (2) years of age and any child while under the custody of a licensed childcare facility, including daycare centers;
2. Persons prohibited from wearing facial coverings by Federal or State safety or health regulations;
3. Public safety, fire, or other life safety personnel that have personal protective equipment requirements governed by their respective agencies;
4. Individuals while actively engaged in exercise and maintaining social distancing in accordance with CDC guidelines;
5. Persons receiving goods or services from a business or establishment for the shortest practical period of time during which the receipt of such goods or services necessarily precludes the wearing of a facial covering such as, but not limited to, consuming food or beverage or receiving a facial grooming or treatment;
6. Persons who have a medical condition that makes the wearing of a facial covering unsafe such as, but not limited to, asthma, COPD, other conditions that reduce breathing or lung capacity;
7. Persons for whom wearing a facial covering conflicts with their religious beliefs or practices; and
8. Facial coverings may be removed temporarily while assisting persons who are hearing impaired or who rely on reading lips in order to communicate.

5. A facial covering includes any covering which snugly covers the nose and mouth, whether store bought or homemade, mask or clothing covering including but not limited to, a scarf, bandana, handkerchief, or other similar cloth covering and which is secured in place. Examples of compliant homemade facial coverings may be found on the CDC website: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>. Persons wearing face coverings should review the CDC and Florida Department of Health guidelines regarding safely wearing, removing, and cleaning facial coverings. Persons should not procure N95-rated masks for general use as those are critical supplies for health care workers, law enforcement, fire-rescue, emergency management, or other persons engaged in life and safety activities. In addition, in lieu of a facial covering as defined in this section, persons may wear clear, plastic face

shields, consisting of a piece of rigid, clear plastic attached to a headband that extends below the chin, whether store bought or homemade. For persons who are unable to safely utilize face coverings, businesses shall offer reasonable accommodation when required by the Americans with Disabilities Act which may include, but is not limited to, offering curbside service or any other reasonable accommodation.

6. **Compliance:** All businesses and establishments as provided for in Section 4 of this Order shall ensure compliance with the provisions of this Order and shall establish a process for verification of compliance upon customer entry into the establishment. A failure to establish and ensure such compliance may result in fines, penalties, and/or any other enforcement measures against the business as set forth in this order and as otherwise authorized by law.
7. **Signage:** All businesses and establishments as provided for in Section 4 of this Order shall conspicuously post signage as follows:
 - a. All restaurants and food service establishments shall post the signage attached hereto as Exhibit 1, designated "Restaurants and Food Service Establishment Required Signage". Signs are available in multi-languages at:
<https://discover.pbcgov.org/pdf/covid19/Restaurant-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RestaurantSpanish-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RestaurantCreole-Mask-Poster.pdf>
 - b. All retail and other establishments shall post the signage attached hereto as Exhibit 2, designated "Retail and Other Establishments Required Signage". Signs are available for download in multi-languages at
<https://discover.pbcgov.org/pdf/covid19/Retail-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RetailSpanish-Mask-Poster.pdf>
<https://discover.pbcgov.org/pdf/covid19/RetailCreole-Mask-Poster.pdf>.
 - c. Signage required in subsections a. and b. above must be at least 8 ½" x 11" in size and printed in color if possible.
 - d. Signage shall be posted in multiple languages including English, Spanish and Creole.
 - e. Signage must be posted conspicuously for easy visibility at all entry points.
8. **Enforcement:** The Sheriff of Palm Beach County, other law enforcement agencies including municipal law enforcement agencies, and any other

personnel authorized by law, including, but not limited to, the personnel described in Section 9-37 of the Palm Beach County Code of Ordinances, are authorized to enforce this Order. Compliance and enforcement processes shall include the provision of a warning and opportunity to correct before citations resulting in fines are issued. Authorized personnel may issue civil citations for fines not to exceed two hundred fifty dollars (\$250) for the first violation and five hundred dollars (\$500) for each additional violation. Each incident of a continuing violation shall be deemed a separate additional violation. A fine schedule specific to individuals and businesses will be established by Board of County Commissioners resolution for implementation of this section.

9. 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.
10. This Order shall be effective as of 12:01 a.m. on June 25, 2020 and shall automatically expire at 12:01 a.m. on July 24, 2020, unless extended by subsequent order or Board of County Commissioner action. In addition, this Order may be terminated at any time by subsequent order or Board of County Commissioners action.

PALM BEACH COUNTY

By: Verdenia Baker
County Administrator

6/24/2020
Date

ATTEST
CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO
LEGAL SUFFICIENCY

By: Denise Marie Nieman
County Attorney

BY ORDER OF PALM BEACH COUNTY

Facial Coverings Required

Absent a legal exception, all patrons must wear facial coverings except while actively consuming food and beverage. This means you must wear a facial covering when entering, exiting, or otherwise away from your assigned table, including when visiting the restroom.

Staff must wear facial coverings during all in-person interactions with the public.

Social Distancing

Even while wearing facial coverings, patrons must, wherever possible, maintain six feet of social distancing, including while waiting to be seated.



2m
6 feet



Report Violations

If you suspect a business or person is violating these rules, you may report violations by calling **561-24COVID** or emailing covidcompliance@pbcgov.org.

Violations are subject to fines and/or other remedies.

Want to Know More?

Visit PBCGov.com/Coronavirus

Call 561-355-2754

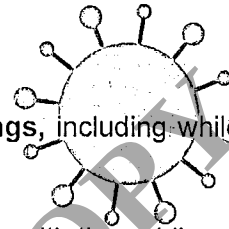


BY ORDER OF PALM BEACH COUNTY

Facial Coverings Required

Absent a legal exception, all patrons must wear facial coverings, including while entering, exiting, or otherwise moving around an establishment.

Staff must wear facial coverings during all in-person interactions with the public.



Social Distancing

Even while wearing facial coverings, patrons must, wherever possible, maintain six feet of social distancing.



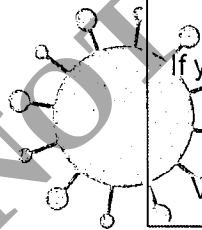
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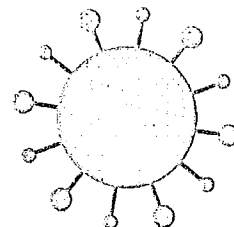


EXHIBIT E

NOT A CERTIFIED COPY

Mission:

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



Ron DeSantis
Governor

Scott A. Rivkees, MD
State Surgeon General

RECEIVED
DEPARTMENT OF HEALTH
2020 JUN 22 AM 8:16

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



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

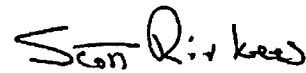
All individuals over the age of 65 and all individuals of any age with high-risk health conditions should limit personal interactions outside of the home and take all measures to limit the risk of exposure to COVID-19. These measures include, but are not limited to: distancing any unavoidable personal 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.



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