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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.

EMERGENCY HEARING REQUESTED

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

Defendant.

_____ /

PLAINTIFFS' VERIFIED
EMERGENCY MOTION FOR TEMPORARY INJUNCTION

Plaintiffs, CARL HOLME, RACHEL EADE and ROBERT SPREITZER, by and through the undersigned counsel, and pursuant to Florida Rule of Civil Procedure 1.610, and Palm Beach County Administrative Order No. 3.206-1/09, hereby move for a temporary injunction against Defendant PALM BEACH COUNTY and states as follows:

INTRODUCTION

This action stems from the Defendant Palm Beach County's shocking infringement upon well-settled constitutionally protected freedoms of over a million Palm Beach County residents, 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. Plaintiffs seek emergency injunctive relief to prevent the enforcement of Defendant's Mask Mandate, or any other unlawful order entered by the Defendant requiring persons to wear masks, because the

requirement is not within the scope of the Defendant's authority to mandate, imposes undue burdens on each and every American citizen in Palm Beach County, and threatens to undermine the laws and Constitution of the State of Florida. This Motion is brought on an emergency basis because it is continuing in nature and has an immediate and deleterious effect, depriving Plaintiffs of rights guaranteed under the Florida Constitution.

FACTUAL BACKGROUND

On June 29, 2020, Plaintiffs filed the underlying Complaint seeking declaratory and injunctive relief including:

- a) a declaration that Defendant Palm Beach County lacked the authority to mandate a mask requirement under Florida law. (*see* Complaint at **Prayer for Relief (a)**);
- 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; (*see* Complaint at **Prayer for Relief (b)**);
- c) an injunction enjoining Defendant Palm Beach County from enforcing its unlawful Mask Mandate; (*see* Complaint at **Prayer for Relief (c)**).

As stated more specifically in Plaintiffs' Complaint, on June 24, 2020, Defendant Palm Beach County's Board of County Commissioners, under the auspices of emergency powers, issued its unlawful Mask Mandate seeking to impose arbitrary and incongruent restrictions on the daily lives and constitutionally protected freedom of countless American citizens and Palm Beach County residents, including the Plaintiffs. Exhibit "A"; (*see* Complaint at ¶ 42). The overbreadth of Defendant's Mask Mandate coupled with its vague and confusing exceptions, creates an unnecessary and unlawful burden on the fundamental rights of the Plaintiffs, and countless other citizens, and invites arbitrary enforcement which can include significant fines and jail time. (*see*

Complaint at ¶¶ 53-59, 110, 120-130). Bizarrely, Defendant's Mask Mandate actually exempts persons having Covid-19 (*see* Complaint at ¶¶ 123, 130)—while requiring that healthy persons who are not sick to cover their faces (including both noses and mouths) with dangerous medical devices that indisputably restrict the ability to breathe life-sustaining oxygen, and unquestionably violates the sacred and fundamental constitutional protections all Floridians share, which includes but is not limited to the right to privacy and bodily autonomy, as well as freedom of speech, both verbal and non-verbal, which is essential to not only the American marketplace of ideas but the survival of the United States and Florida.

The Defendant's Mask Mandate invades Plaintiffs' constitutional rights, is not narrowly tailored to further a compelling state interest, does not use the least intrusive means, and is presumptively unconstitutional. (*see* Complaint at ¶¶ 69-72). Defendant Palm Beach County has acted outside the scope of its authority under the Florida Constitution; thus, Defendant's Mask Mandate is presumptively unconstitutional, unlawful and void as a matter of law.

APPLICABLE LAW AND ARGUMENT

A. Standard for Granting a Motion for Injunctive Relief

Granting a motion for temporary injunction rests within a court's "broad discretion," *Sattellite Industries, Inc. v. Stutz*, 437 So. 2d 222, 223 (Fla. 4th DCA 1983; *Sacred Family Invs., Inc. v. Coral Supermarkets, Inc.*, 20 So. 3d 412, 415 (Fla. 3d DCA 2009), and is "guided by established rules of the principles of equity jurisprudence, in view of the particular facts presented in each case." *Muss v. City of Miami Beach*, 312 So. 2d 553, 554 (Fla. 3d DCA 1975). The purpose of a temporary injunction is to preserve the status quo pending final hearing on the merits. *Smith v. Hous. Auth.*, 3 So. 2d 880, 881 (Fla. 1941) (en banc); *Tamiami Trail Tours*, 212 So. 2d 365, 366 (Fla. 4th DCA 1968); *TJ Mgmt. Grp., LLC v. Zidon*, 990 So. 2d 623, 625 (Fla. 3d DCA 2008).

Plaintiffs are entitled to a temporary injunction if they establish: (1) a substantial likelihood of success on the merits; (2) the unavailability of an adequate remedy at law; (3) likelihood of irreparable harm absent the injunction; and (4) that the injunction will serve the public interest. *Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243, 1258 (Fla. 2017); *Reform Party of Fla. v. Black*, 885 So.2d 303, 305 (Fla. 2004); *See Dania Jai Alai Int'l, Inc. v. Murua*, 375 So.2d 57, 58 (Fla. 4th DCA 1979) (explaining the four-part test for temporary injunctive relief in Florida).

B. Plaintiffs have a Substantial Likelihood of Success on the Merits

Plaintiffs have a substantial likelihood of success on the merits because Palm Beach County has invaded the Constitutional and individual rights of Plaintiffs, and thereby raised the presumption that Palm Beach County's Mask Mandate is unconstitutional. As discussed below and in the Complaint, the Florida Supreme Court has repeatedly held that laws infringing individuals' rights to due process and rights to privacy and bodily autonomy are subject to strict scrutiny. The Mask Mandate unquestionably infringes on those rights and cannot survive such scrutiny.

a. Right to Privacy

The Florida Constitution begins with a Declaration of Rights. "No other broad formulation of legal principles, whether state or federal, provides more protection from government overreaching or a richer environment for self-reliance and individualism than does this 'stalwart set of basic principles.'" *Traylor v. State*, 596 So. 2d 957, 963 (Fla. 1992) (quoting *State ex rel. Davis v. City of Stuart*, 120 So. 335, 347 (Fla. 1929)). Unlike the Federal Constitution, the Florida Constitution's Declaration of Rights contains "an express, freestanding Right of Privacy Clause," added to the Constitution directly by Florida citizens in a 1980 general election. *N. Fla. Women's*

Health & Counseling Servs., Inc. v. State, 866 So. 2d 612, 619 (Fla. 2003) (“*North Florida*”).

Florida’s explicit constitutional guarantee of the right to privacy provides in relevant part:

Every natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein.

Art. I, § 23, Fla. Const.

As recognized by Florida courts, this *explicit* state right to privacy affords greater protections from governmental intrusion and is “a broader, more protective right” than the *implicit* right to privacy recognized under the Federal Constitution. *North Florida*, 866 So. 2d at 619; *id.* at 634 (“While the United States Supreme Court has read into the federal constitution an *implicit* right of privacy, that particular right is a weak version of our *explicit* freestanding state right” (internal footnote omitted)); *see also In re T.W.*, 551 So. 2d 1186, 1191-92 (Fla. 1989) (Florida’s “amendment embraces more privacy interests, and extends more protection to the individual in those interests, than does the federal Constitution.”). As the Florida Supreme Court has explained at length:

Article I, section 23, was intentionally phrased in strong terms. The drafters of the amendment rejected the use of the words “unreasonable” or “unwarranted” before the phrase “governmental intrusion” in order to make the privacy right as strong as possible. Since the people of this state exercised their prerogative and enacted an amendment to the Florida Constitution which expressly and succinctly provides for a strong right of privacy not found in the United States Constitution, it can only be concluded that the right is much broader in scope than that of the Federal Constitution.

Winfield v. Div. of Pari-Mutuel Wagering, 477 So. 2d 544, 548 (Fla. 1985); *see also Von Eiff v. Azicri*, 720 So. 2d 510, 514 (Fla. 1998) (“The state constitutional right to privacy is much broader in scope, embraces more privacy interests, and extends more protection to those interests than its federal counterpart.”).

Under Florida law, an infringement upon the fundamental right to privacy warrants judicial review under the strict scrutiny standard, and is “presumptively unconstitutional unless proved

valid by the State.” *North Florida*, 866 So. 2d at 626. It is well settled that in order to intrude on Plaintiffs’ fundamental rights, like the right to privacy and bodily autonomy, Defendant must meet a strict scrutiny standard. *Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243, 1265 (Fla. 2017) (“**Today we make clear, in Florida, any law that implicates the fundamental right of privacy, regardless of the activity, is subject to strict scrutiny and is presumptively unconstitutional.**”) (emphasis added). The initial presumption where strict scrutiny is required is that the legislation in question is unconstitutional. *Id.* The state bears the evidentiary “burden of proof to . . . justify an intrusion on privacy,” and in order to meet this burden, 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.” *In re T.W.*, 551 So. 2d at 1192 (quoting *Winfield*, 477 So. 2d at 547). This standard is a “highly stringent” one. *North Florida*, 866 So. 2d at 620-21 (quoting *In re T.W.*, 551 So. 2d at 1192). Indeed, “no government intrusion in the personal decision-making cases . . . has survived” such scrutiny. *Id.*

a. Right to Due Process

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. As further stated in the underlying Complaint, the Palm Beach County Mask Mandate is vague, and thus unconstitutional, because it violates the Due Process Clause of Art. 1 § 9 of the Florida Constitution by depriving the Plaintiffs, and countless other citizens of Palm Beach County and the United States of life, liberty or property without due process of law. The Defendant’s unconstitutional Mask Mandate is not only vague, but also arbitrary and unreasonable, and is not backed by any compelling state interest or facts proving such an interest. 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. Moreover, Plaintiffs' constitutional rights to due process have been, and will continue to be violated, because Defendant's Mask Mandate is unconstitutionally vague, and any person violating the unlawful emergency order could be guilty of a misdemeanor of the second degree, pursuant to Section 252.50, Florida Statutes.

A movant establishes a substantial likelihood of success on the merits "if good reasons for anticipating that result are demonstrated." *Naegele Outdoor Advertising Co., Inc. v. City of Jacksonville*, 634 So.2d 750, 753 (Fla. 1st DCA 1995). It is clear from the facts alleged hereinabove, and in the underlying Complaint, that the Defendant's Mask Mandate invades Plaintiffs' constitutionally protected basic rights, including the rights of speech, privacy, due process, and countless other constitutionally protections under the guise of disease prevention. Plaintiffs do not need to prove the mask requirement is unconstitutional. Rather, Defendant Palm Beach County must (and cannot) prove that its Mask Mandate is the least intrusive and most narrowly tailored means to further a compelling state interest. Since Defendant's Mask Mandate is presumed unconstitutional, Plaintiffs' success on the merits should also be presumed until and unless Defendant proves otherwise—which it cannot.

C. Plaintiffs Lack an Adequate Remedy at Law and Will Suffer Irreparable Harm if an Injunction Is not Issued

a. Inadequate Remedy at Law

Plaintiffs must also prove "two interrelated requirements" necessary to establish their right to injunctive relief: that the injury they allege cannot be adequately remedied at law and irreparable harm will occur if an injunction is not issued. *Liza Danielle, Inc. v. Jamko, Inc.*, 408 So. 2d 735, 738 (Fla. 3d DCA 1982).

Plaintiffs lack an adequate remedy at law where damages are unavailable or are "so speculative as not to be susceptible of proof." *So. Colonization Co. v. Derfler*, 75 So. 790, 794

(Fla. 1917); *see Zimmerman v. D.C.A. at Welleby, Inc.*, 505 So. 2d 1371 (Fla. 4th DCA 1987) (finding that where damages are said to be speculative and unascertainable, the harm is irreparable and the remedy at law is inadequate); *see also Thompson v. Planning Comm'n*, 464 So. 2d 1231, 1237 (Fla. 1st DCA 1985) (where calculation of damages is speculative, legal remedy is inadequate). Money damages are ordinarily not available for violations of Florida state constitutional privacy rights. *See Resha v. Tucker*, 670 So. 2d 56, 59 (Fla. 1996) (Grimes, C.J., concurring); *see also Tucker v. Resha*, 634 So. 2d 756, 757 (Fla. 1st DCA 1994); *Stephens v. Geoghegan*, 702 So. 2d 517, 521 n.1 (Fla. 2d DCA 1997) (“[v]iolation of privacy provisions of the Florida Constitution does not give rise to a cause of action for money damages” (citation omitted)); *cf. Garcia v. Reyes*, 697 So. 2d 549, 551 (Fla. 4th DCA 1997) (“there is ‘no support for the availability of an action for money damages, based [] on . . . violation of the right of due process, as guaranteed by the Florida Constitution’” (emphasis and citation omitted)); *Fernez v. Calabrese*, 760 So. 2d 1144, 1146 (Fla. 5th DCA 2000) (relying on *Garcia*, 697 So. 2d at 651).

No remedy at law exists which could adequately redress Plaintiffs’ injuries. As alleged herein and in the underlying Complaint, due to the potential for arbitrary enforcement, which has already been documented, and the unconstitutional vagueness and overbreadth of Defendant’s Mask Mandate, it is impossible to quantify damages, nor what action could be maintained at law. Furthermore, it is impossible to retroactively restore Plaintiffs’ constitutional rights after they have been violated. Put another way, there is no way a judgment could be obtained to prevent the past deprivation of Plaintiffs’ constitutional rights, after the deprivation has already been committed. Because an individual’s constitutional rights are invaluable, there is no way to quantify damages for the purpose of maintaining an action at law.

b. Irreparable Harm

Additionally, Plaintiffs satisfy their burden of showing irreparable harm by demonstrating an injury that cannot be adequately compensated by money damages. *See Liza Danielle*, 408 So.2d at 738 (“[i]rreparable injury is an injury of such a nature that it cannot be redressed in a court of law”; “the injury must be of a peculiar nature, so that compensation in money cannot atone for it” (quoting 29 Fla. Jur. 2d, Injunctions § 22 at 674-75)). The Florida Supreme Court has held that the loss of fundamental freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. *Gainesville Woman Care, LLC v. State*, 210 So.3d 1243, 1263 (Fla. 2017); *see Tucker*, at 634 So. 2d 759 (finding no legislative waiver of sovereign immunity as to the privacy provision of the Florida Constitution and therefore concluding that money damages are not available for violations of that right); *See, e.g., Ne. Fla. Chapter of Ass’n of Gen. Contractors of Am. v. City of Jacksonville*, 896 F.2d 1283, 1285 (11th Cir. 1990) (“on-going violation[s]” of the right to privacy “constitute[] irreparable injury”); *Elrod v. Burns*, 427 U.S. 347, 373, 96 S.Ct. 2673, 49 L.Ed.2d 547 (1976). *see also Elrod v. Burns*, 427 U.S. 347, 373 (1976) (holding that loss of constitutional “freedoms . . . unquestionably constitutes irreparable injury”). “The deprivation of personal rights is often equated with irreparable injury and serves as an appropriate predicate for injunctive relief.” *Hitt v. N. Broward Hosp. Dist.*, 387 So. 2d 482, 485 n.3 (Fla. 4th DCA 1980). It is not necessary to show that irreparable harm has already occurred, but only that there is a reasonable probability that such harm will occur unless the unlawful action is prevented. *City of Pompano Beach v. Yardarm Rest.*, 509 So. 2d 1295, 1297 (Fla. 4th DCA 1987).

In the present case, as alleged herein and in the underlying Complaint, the enforcement of the Order’s mask requirement restricts the Plaintiffs’ fundamental rights granted under the

Florida Constitution, thus causing them irreparable harm that can only be cured by this Court's injunctive relief. Defendant's unlawful mask mandate not only restricts the Plaintiffs' constitutional rights, but also has very serious consequences, including but not limited to the harm caused by dangerous medical devices and treatments like facial coverings. (*see* Complaint at ¶¶ 76, 77, 101). Additionally, the failure to abide by Defendant's Mask Mandate is enforceable by law enforcement, and could result in being charged with a second-degree misdemeanor under Florida law, and also provides for fines ranging from \$250.00 to \$500.00 for violations. (*see* Complaint at ¶¶ 42, 78, 96). Unless a temporary injunction is issued, Plaintiffs will continue to suffer irreparable harm because enforcement of the restrictions Palm Beach County has put in place has endangered, and threatens to continue endangering the fundamental Constitutional rights of Plaintiffs.

D. Granting a Temporary Injunction Will Serve the Public Interest

The issuance of an injunction will serve the public interest. No public interest is served by enforcing unconstitutional laws, while the public has a significant interest in ensuring that constitutional rights are not violated. *See Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243, 1264 (Fla. 2017) (holding that preventing undue burdens unconstitutionally imposed onto individuals in violation of the Florida Constitution would serve the public interest); *see also, e.g., A Choice for Women v. Butterworth*, 54 F. Supp. 2d 1148, 1159 (S.D. Fla. 1998) (finding that "the public interest is well served when the Court protects the constitutional rights of the public"); *see also Carey v. Klutznick*, 637 F.2d 834, 839 (2d Cir. 1980) ("the public interest [] requires obedience to the Constitution"); *Saint v. Neb. Sch. Activities Ass'n*, 684 F. Supp. 626, 630 (D. Neb. 1988) (holding that public interest is served by preventing violations of an individual's constitutional rights).

Plaintiffs have demonstrated that Defendant's unlawful Mask Mandate blatantly intrudes upon and violates Plaintiffs' and the public at large's fundamental constitutional rights. Defendant's Mask Mandate burdens countless citizens of Palm Beach County and United States. The public has an interest in preventing Defendant Palm County from invading their constitutional rights and imposing unprecedented restrictions on individuals by executive order without legislative or due process. The mask requirement of Palm Beach County's Order runs afoul of public policy, and Plaintiffs have suffered, and will continue to suffer, irreparable injury if Palm Beach County is not enjoined.

E. The Court Should Not Require a Bond

Florida Rule of Civil Procedure 1.610(b) provides in relevant part that "[w]hen any injunction is issued on the pleading of a municipality or the state or any officer, agency, or political subdivision thereof, **the court may require or dispense with a bond . . . No bond shall be required** for issuance of a temporary injunction issued solely **to prevent physical injury or abuse of a natural person.**" (emphasis added); *Provident Management Corp. v. City of Treasure Island*, 718 So. 2d 738 (Fla. 1998). The purpose of an injunction bond is to provide sufficient funds to cover the adverse party's costs and damages if the injunction is wrongfully issued. *Montville v. Mobile Mechanic*, 855 So. 2d 212, 215 (Fla. 4th DCA 2003). This Court may consider factors other than anticipated costs and damages in setting an injunction bond, including the adverse parties' likelihood of overturning the temporary injunction. *Id.* In this proceeding, for the reasons stated herein, it is highly unlikely that any party will be found to have been wrongfully enjoined, or that any damages would result given that Palm County's Mask Mandate is presumptively unconstitutional.

Plaintiffs have shown that they have been and will continue to be physically harmed by Defendant's unlawful Mask Mandate, and thus, no bond should be required as a matter of law. Therefore, Plaintiffs respectfully request that this Court dispense with any bond requirement, or in the alternative, set bond in a de minimis amount.

CONCLUSION

Because Plaintiffs have shown a substantial likelihood of success on the merits, that irreparable harm will result if the Mask Mandate is not enjoined, that they lack an adequate remedy at law, and that the relief requested will serve the public interest, this Court should issue a temporary injunction enjoining Defendant Palm Beach County from enforcing its unlawful Mask Mandate and grant any and all further relief as is just and proper.

VERIFICATION

Under penalty of perjury, I declare that I have read the foregoing Emergency Motion, and the facts alleged therein are true and correct to the best of my knowledge and belief.

/s/ Joel Medgebow
Joel Medgebow

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was emailed to all counsel and parties of record using the Florida Courts E-Filing portal system on this 30th day of June, 2020.

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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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