



Office of  
**INDIAN RIVER COUNTY  
ATTORNEY**

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Dylan Reingold, County Attorney  
William K. DeBral, Deputy County Attorney  
Susan J. Prado, Assistant County Attorney

**MEMORANDUM**

**TO:** Board of County Commissioners  
**FROM:** Dylan Reingold, County Attorney  
**DATE:** October 30, 2020  
**SUBJECT:** Face Covering Ordinance - LEGISLATIVE

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**BACKGROUND.**

On July 14, 2020, the Indian River County Board of County Commissioners (the “Board”) enacted an emergency face covering ordinance. The ordinance required all persons working in restaurants, grocery stores, food service, salons, gyms, any retail establishments, or businesses open to the public or any other indoor facility visited by the public to wear face coverings. The ordinance also required all persons entering an indoor County facility and those utilizing public transit and transportation in Indian River County to wear face coverings. All other persons physically present in any public place were strongly encouraged to wear face coverings. The ordinance contained various exceptions, and although the ordinance was intended to serve as a mechanism to seek voluntary compliance, the ordinance did include the ability to issue citations for noncriminal, civil infractions. The ordinance applied throughout the unincorporated areas of Indian River County and in County buildings and facilities in the incorporated areas of Indian River County.

That ordinance was set to expire on September 15, 2020, however, on that date, the Board enacted Ordinance 2020-10, which continued the requirements and recommendations, with a change to two of the exemptions, until November 17, 2020. On September 25, 2020, Governor Ron DeSantis issued Executive Order 20-244, which stated that “[t]his order, consistent with Executive Order 20-92, suspends the collection of fines and penalties associated with COVID-19 enforced upon individuals.”

The County Attorney’s Office has drafted the attached proposed ordinance and provided legal notice of the public hearing on the proposed ordinance. The proposed ordinance continues the requirements and recommendations set forth in Ordinance 2020-10 until January 19, 2021. The only changes are a reduction in the number of whereas clauses and the Penalties and Enforcement section has been modified to state “[c]onsistent with Executive Order 20-244, there shall be no collection of fines and penalties from individuals for any violation of this Ordinance.”

Due to the issuance of Executive Order 20-244, County staff recommends that the Board allow Ordinance 2020-10 to expire, but direct County staff to take the necessary measures to continue to require face coverings in indoor County buildings and facilities and on public transit.

**FUNDING.**

The cost of publication of the required public notice for the public hearing was \$119.70. The cost was funded from the Cares Act Fund/County Attorney's Office/Recording Fees (account number 13910214-034830).

**RECOMMENDATION.**

The County Attorney's Office recommends that after the public hearing the Indian River County Board of County Commissioners vote to deny the proposed ordinance and direct County staff to take measures to maintain requirement for face coverings in indoor County facilities and on public transit.

**ATTACHMENT(S).**

Draft Face Covering Ordinance