



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

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: January 7, 2021
SUBJECT: Face Covering Ordinance - LEGISLATIVE

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.”

On November 17, 2020, the Board adopted Ordinance 2020-17, continuing the requirements and recommendations set forth in Ordinance 2020-10 until January 19, 2021. Ordinance 2020-17 did have a reduction in the number of whereas clauses and the Penalties and Enforcement section was 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.” Ordinance 2020-17 sunsets on January 19, 2021.

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 2020-17 until March 16, 2021. The County Attorney’s Office recommends that the Board adopt the proposed ordinance.

FUNDING.

The cost of publication of the required public notice for the public hearing was \$128.25. 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 adopt the proposed ordinance.

ATTACHMENT(S).

Draft Face Covering Ordinance