



CITY OF TAMPA

— OFFICE OF THE MAYOR —

Jane Castor, Mayor

EXECUTIVE ORDER 2021- 07

WHEREAS, on March 13, 2020, then-President Donald J. Trump issued a Proclamation Declaring a **National Emergency** concerning Coronavirus Disease 2019 (“COVID-19”); and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51 declaring a **Public Health Emergency in the State of Florida** due to the spread of COVID-19; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52, declaring a **State of Emergency for the State of Florida**, extending to all sixty-seven (67) counties, including Hillsborough County and the City of Tampa, due to COVID-19, which Executive Order Number 20-52 was extended on May 8, 2020, by Executive Order Number 20-114; on July 7, 2020, by Executive Order Number 20-166; on September 4, 2020, by Executive Order Number 20-213; on November 3, 2020, by Executive Order Number 20-276; and on December 29, 2020, by Executive Order Number 20-316; and

WHEREAS, on March 12, 2020, the Hillsborough County Emergency Policy Group (“EPG”) issued an Executive Order declaring a **local state of emergency in response to a county-wide threat** from COVID-19, which Order was extended numerous times; and

WHEREAS, on August 5, 2020, the **Hillsborough County Board of County Commissioners** enacted Hillsborough County Ordinance 20-15, amending Hillsborough County Ordinance 06-13 (Hillsborough County Code of Laws and Ordinances, Part A, Chapter 22, Article II, Sections 22-19 through 22-30) which ordinance abolished the Hillsborough County EPG and transferred its power to the Board of County Commissioners, the Board Chair, or designee; and

WHEREAS, Ordinance 20-15 **preserved in effect the Emergency Policy Group’s March 12, 2020, Executive Order, as amended and extended, declaring a local state of emergency**, which order has been amended numerous times and remains in effect; and

WHEREAS, on March 12, 2020, pursuant to Section 2-402 of the City of Tampa Code, as Mayor of the City of Tampa, I issued City of Tampa Executive Order 2020-01 declaring that a **state of local emergency has occurred in the City of Tampa** in response to a city-wide threat of the spread of COVID-19, which state of local emergency was re-declared by City of Tampa Executive Order 2020-02 on March 16, 2020, and which Order has been extended numerous times and remains in effect; and

WHEREAS, the United States Centers for Disease Control and Prevention (“CDC”) has expressly found that: “COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths)”;

WHEREAS, the CDC therefore specifically recommends that as businesses and communities reopen, and people resume their daily activities, people should wear face coverings to slow the spread of COVID-19, particularly “in public settings where other social distancing measures are difficult to maintain”;

WHEREAS, on July 2, 2020, the U.S. Surgeon General and the U.S. Department of Health and Human Services issued a public service announcement imploring all Americans to take measures to prevent the spread of COVID-19, including wearing a face covering in public when social distancing is not possible;

WHEREAS, on June 22, 2020, the State of Florida Department of Health, by and through the State Surgeon General/State Health Officer issued a Public Health Advisory declaring that “All individuals in Florida should wear face coverings in any setting where social distancing is not possible”, subject to limited exceptions;

WHEREAS, the information and advice provided to the EPG on June 22, 2020 and at subsequent meetings, from various medical and health care professionals, included data that led them to conclude that the number of confirmed cases of COVID-19 in Hillsborough County, and in particular in the City of Tampa, would continue to increase exponentially if additional mitigation measures to stop or slow the spread of COVID-19 were not instituted, and that face coverings, in particular, would significantly reduce the spread of infection;

WHEREAS, on June 22, 2020, the Hillsborough County EPG issued an Executive Order requiring the wearing of protective face coverings indoors under certain circumstances, which Order was amended and extended several times, and which Order acknowledged that municipalities within Hillsborough County may impose more stringent standards;

WHEREAS, on August 6, 2020, the Board of County Commissioners approved an Executive Order extending the EPG’s Executive Order of June 22, 2020 (as amended), which order has been amended and extended several times and remains in effect;

WHEREAS, at a hearing on August 12, 2020, the Thirteenth Judicial Circuit Court in and for Hillsborough County upheld the constitutionality of the Executive Order initially adopted by the EPG, and subsequently adopted by the Board of County Commissioners, requiring the wearing of protective face coverings indoors;

WHEREAS, Chapter 252, Florida Statutes, and Sec. 2-403, City of Tampa Code, authorize the Mayor to take whatever prudent action is necessary to ensure the health, safety and welfare of the community during a state of emergency;

WHEREAS, on June 19, 2020, the **City of Tampa** issued Executive Order 2020-27, requiring every person working, living, visiting or doing business in the City of Tampa to wear **face coverings** indoors, under certain circumstances, and subject to specific exceptions described therein; and

WHEREAS, in order to be consistent with amendments to the EPG and Hillsborough County Executive Orders, and to further address the requirements, conditions and exceptions for wearing face coverings, the City of Tampa revised and replaced City of Tampa Executive Order 2020-27 in its entirety with City of Tampa Executive Order 2020-30 on June 24, 2020, which was revised and replaced again by City of Tampa Executive Order 2020-42 on August 19, 2020, which order remains in effect; and

WHEREAS, the City of Tampa is hosting the 2021 National Football League **Super Bowl** and related activities and events (collectively, the “Events”); and

WHEREAS, on December 3, 2020, the City Council for the City of Tampa approved Ordinance No. 157, which ordinance designated portions of the City as “Event Zones” (also referred to collectively as “Event Zone”) in order to regulate activities in certain impacted areas of the City to protect the health, safety and welfare of all citizens, visitors and participants (the “Event Zone Ordinance”); and

WHEREAS, in the Event Zone Ordinance the City of Tampa expressly stated that “with respect to COVID-19, the City may separately address and implement necessary regulations and recommended precautions as established by the [CDC], to protect the public health, safety and welfare of all citizens, visitors and participants”; and

WHEREAS, based on information and data provided by the State of Florida Department of Health, the Hillsborough County Department of Health and other public health experts, the number of confirmed cases of COVID-19 in Hillsborough County, and in particular in the City of Tampa, has continued to increase since the State of Florida removed restrictions on public and private facilities in Florida, which increase has resulted in increased hospitalizations and many additional deaths; and

WHEREAS, beginning in the fall of 2020, several new COVID-19 variants were identified in countries including the United Kingdom, Brazil and South Africa, which variants have been determined to spread more easily and more quickly than other variants of the virus. According to the CDC and other public health experts, these newer variants have now been documented in the United States, including in the State of Florida; and

WHEREAS, the City anticipates that the Super Bowl and the Events will draw thousands of out-of-town visitors to the City of Tampa and the surrounding area; and

WHEREAS, the Event Zone includes numerous outdoor venues where individuals are expected to gather in large crowds for Super Bowl related events and celebrations, including venues located near Raymond James Stadium, Julian B. Lane Park, Water Works Park, Armature Works, and Sparkman Wharf; and

WHEREAS, the Tampa Sports Commission estimates that one such event known as “The Super Bowl Experience”, located in Julian B. Lane Park and Curtis Hixon Park, is estimated to draw approximately 200,000 attendees; and

WHEREAS, the City of Tampa also includes several areas defined herein as “Entertainment Districts”, which include numerous indoor and outdoor venues such as restaurants, bars and nightclubs, and nearby outdoor gathering spots such as Downtown Tampa, 7th Avenue in Ybor City, Channelside and South Howard Avenue, at which both out of town visitors and local fans are expected to gather in large numbers; and

WHEREAS, with the Tampa Bay Buccaneers being one of the two championship teams playing in the Super Bowl, the City also anticipates that, in addition to out of town visitors, a large number of local fans will gather to celebrate in the Event Zone and in the Entertainment Districts in the City; and

WHEREAS, as a result of Super Bowl related activities being conducted throughout the City, the City anticipates that there will be larger than usual crowds of both visitors and local fans at outdoor venues in the City located both within the Event Zone and the Entertainment Districts, which larger crowds limit the ability for those gathering to remain spaced 6 feet apart; and

WHEREAS, the CDC, in guidance entitled “Considerations for Events and Gatherings”, updated January 8, 2021, determined that the risk of COVID-19 spreading is at the highest risk at large in-person gatherings, including those held outdoors, where it is difficult for individuals to remain spaced at least 6 feet apart and attendees travel from outside the local area; therefore, in order to avoid the spread of COVID-19, the CDC recommends wearing face coverings outdoors; and

WHEREAS, numerous hospitality attractions in Florida that typically draw large outdoor crowds, such as Disneyworld, Universal Studios and Busch Gardens, have adopted COVID-19 protocols requiring all visitors to wear face coverings both indoors and outdoors; and

WHEREAS, under certain circumstances, wearing a face covering outdoors may not be justified or necessary when such circumstances are based on situations involving a lower risk of the spread of COVID-19, or when health or disability conditions are affected by the wearing of a face covering, or when other face covering requirements are already in effect; and

WHEREAS, in order to protect the public health, safety and welfare of those citizens, visitors and participants gathering in outdoor venues, the City finds it appropriate and necessary, for a temporary period of time during which the Super Bowl and related events will occur, to require that individuals wear face coverings outdoors at venues at which large crowds are expected to gather, subject to certain exceptions.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Tampa by Article VII, Civil Emergencies, Sections 2-401, et. seq., City of Tampa Code, the Charter of the City of Tampa, and the Laws of the State of Florida, I hereby issue this Executive Order declaring the following:

1. **Purpose.** The purpose of this Executive Order is set forth in the recital (“WHEREAS”) clauses above and said recital clauses are hereby adopted, incorporated herein by reference and made a part of this Order.
2. **Definitions.** The following terms as used in this Executive Order shall have the following meaning:
 - a. ““Face covering” shall mean a uniform piece of material that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands, whether store-bought or homemade, consistent with CDC guidelines. Examples of compliant home-made face coverings may be found at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>
 - b. “Social distancing” shall mean keeping space between yourself and other people by staying at least 6 feet (about 2 arms’ length) from other people.
 - c. “Companion” shall mean a person by whom you are accompanied.
 - d. “Large crowds” or “large gatherings” shall mean a group of 25 or more people spaced less than 6 feet apart.
 - e. “Event Zone” shall mean those areas defined by City of Tampa Ordinance No. 157, as illustrated on the maps attached hereto as Exhibits 1a, 1b and 1c.
 - f. “Entertainment Districts” shall mean the Ybor City Historic District, the South Howard Commercial Overlay District, the Central Business District, and the Channel District, as said areas are defined in City of Tampa Code Chapter 27, as collectively illustrated on the maps attached hereto as Exhibit 2.
3. **Face Coverings Temporarily Required Outdoors During Events and Gatherings at Specified Locations.**
 - a. Beginning on January 28, 2021 and continuing through February 13, 2021(unless earlier terminated), every person working, living, visiting, or doing business in the City of Tampa shall wear a face covering at any outdoor location located within (i) an Event Zone or (ii) an Entertainment District, as defined herein.
 - b. Nothing herein shall require or allow a person to wear a face covering so as to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.
4. **Exceptions.** Nothing herein shall require the wearing of face coverings outdoors by the following persons:
 - a. Persons under the age of five years; and

- b. Persons (including their family members or companions) when outdoors at their personal residence, provided they comply with CDC guidance; and
- c. Persons working in a business or profession where use of a face covering would prevent them from performing the duties of the business or profession; and
- d. Persons eating or drinking, but only while seated; and
- e. Public safety, fire and other life safety and health care personnel, while on duty, as their personal protective equipment requirements will be governed by their respective agencies; and
- f. Students and employees at any location under the control of the School District of Hillsborough County, which shall establish its own policy for all its locations within the District.
- g. Persons for whom a face covering would cause impairment due to an existing health condition; and
- h. A person communicating with a hearing-impaired individual who needs to see that person's mouth in order to communicate.

These requirements shall not be applied in a manner that would conflict with the Americans with Disabilities Act (ADA). All persons not subject to the requirements of this Order are strongly encouraged to follow appropriate social distancing and safety protocols issued by the CDC.

5. **Hillsborough County Emergency Policy Group and Board of County Commissioners Executive Orders.** The Executive Order of the Hillsborough County EPG adopted on July 6, 2020, as extended and amended, requiring the wearing of protective face coverings indoors, and the Executive Orders of the Board of County Commissioners adopted on August 6, 2020 requiring the wearing of protective face coverings, as amended and extended, all subsequent Executive Orders based thereon or amended or extended, are incorporated herein by reference and made part of this Order.

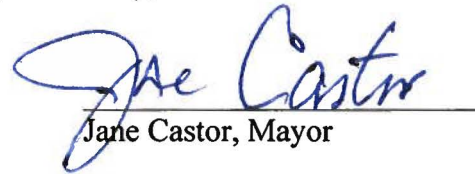
Per the express terms of those Orders, nothing in the Executive Orders of the Hillsborough County EPG or Board of County Commissioners modifies the power of the City of Tampa to impose more stringent standards within its jurisdictional boundaries. Therefore, to the extent any provision of this Order is deemed to be more stringent than that of the Hillsborough County, the more stringent standard shall apply in the City of Tampa.

6. **City of Tampa Executive Order 2020-42.** The City of Tampa Executive Order 2020-42, adopted on August 19, 2020, requiring the wearing of protective face coverings at most indoor locations, remains in effect and its terms are not in any way limited by this Order.
7. **Enforcement.** It is the intent of this Order to seek voluntary compliance with the provisions contained herein and to educate and warn of the dangers of non-compliance. However, in the event voluntary compliance is not achieved then, as a last resort, pursuant

to Section 252.46, Florida Statutes, this Order shall have the full force and effect of a law of the City of Tampa, and shall be a noncriminal civil infraction, enforceable under Chapter 23.5, City of Tampa Code, as a Class II violation, which carries a maximum civil penalty of up to a \$500 fine. Pursuant to EPG and Hillsborough County Executive Orders, a violation of this Order may also be enforced pursuant to the provisions of Section 252.50, Florida Statutes, and may be prosecuted as a second-degree misdemeanor punishable as provided in Sections 775.082 or 775.083, Florida Statutes.

8. **Severability.** The provisions of this Order are severable and if any provision of this Order is held to be invalid by a court of competent jurisdiction, the remainder of this Order shall not be affected and shall remain in full force and effect.
9. **Effective Date and Duration.** This Executive Order becomes effective on January 28, 2021 and shall remain in effect in the City of Tampa until February 13, 2021, unless otherwise modified, repealed or earlier terminated.

DONE and ORDERED this 27 day of January, 2021.

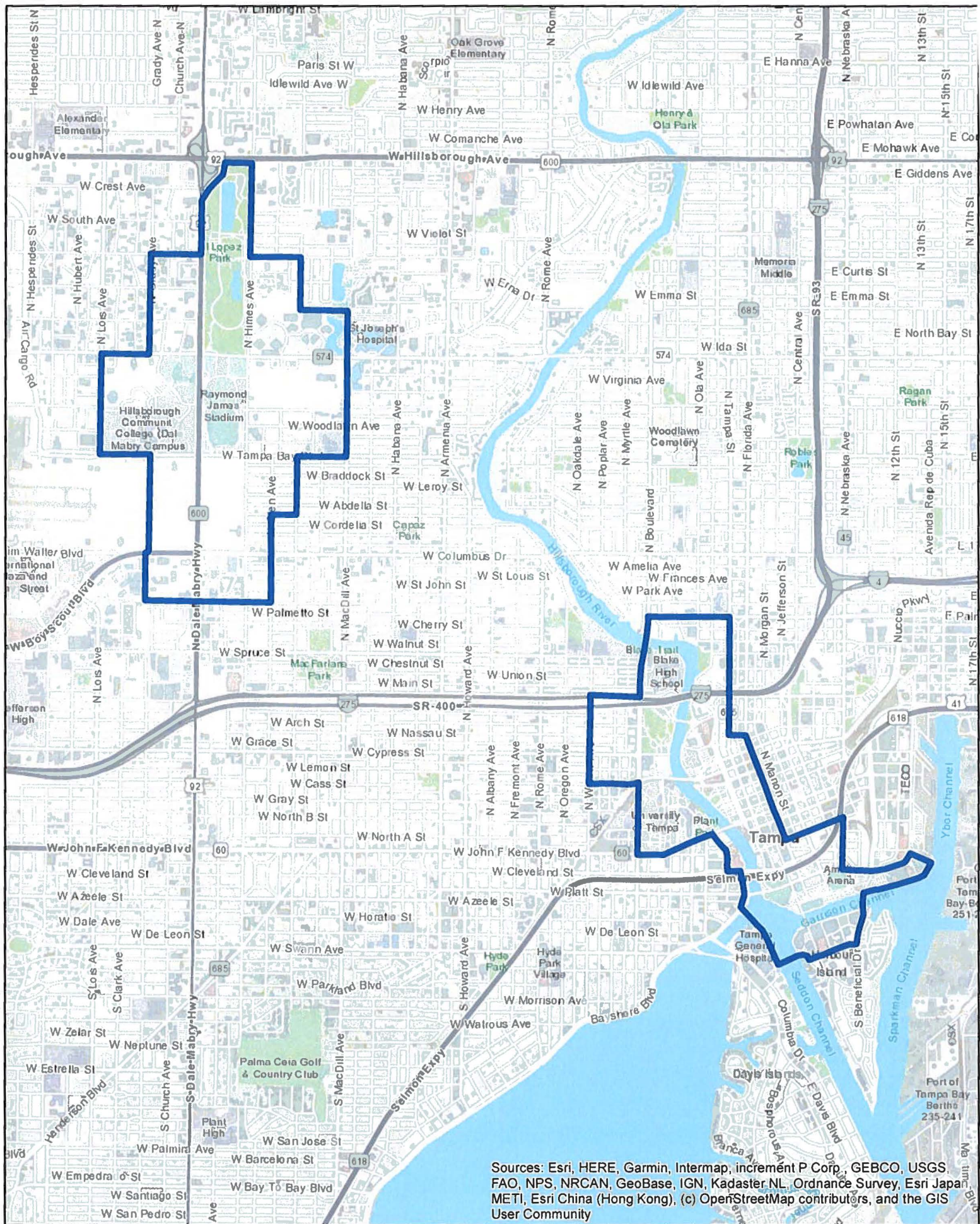

Jane Castor, Mayor

PREPARED AND APPROVED BY:


Gina K. Grimes, City Attorney

Exhibit 1a

Event Zones



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

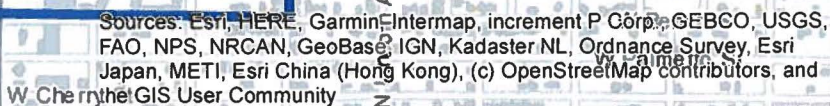
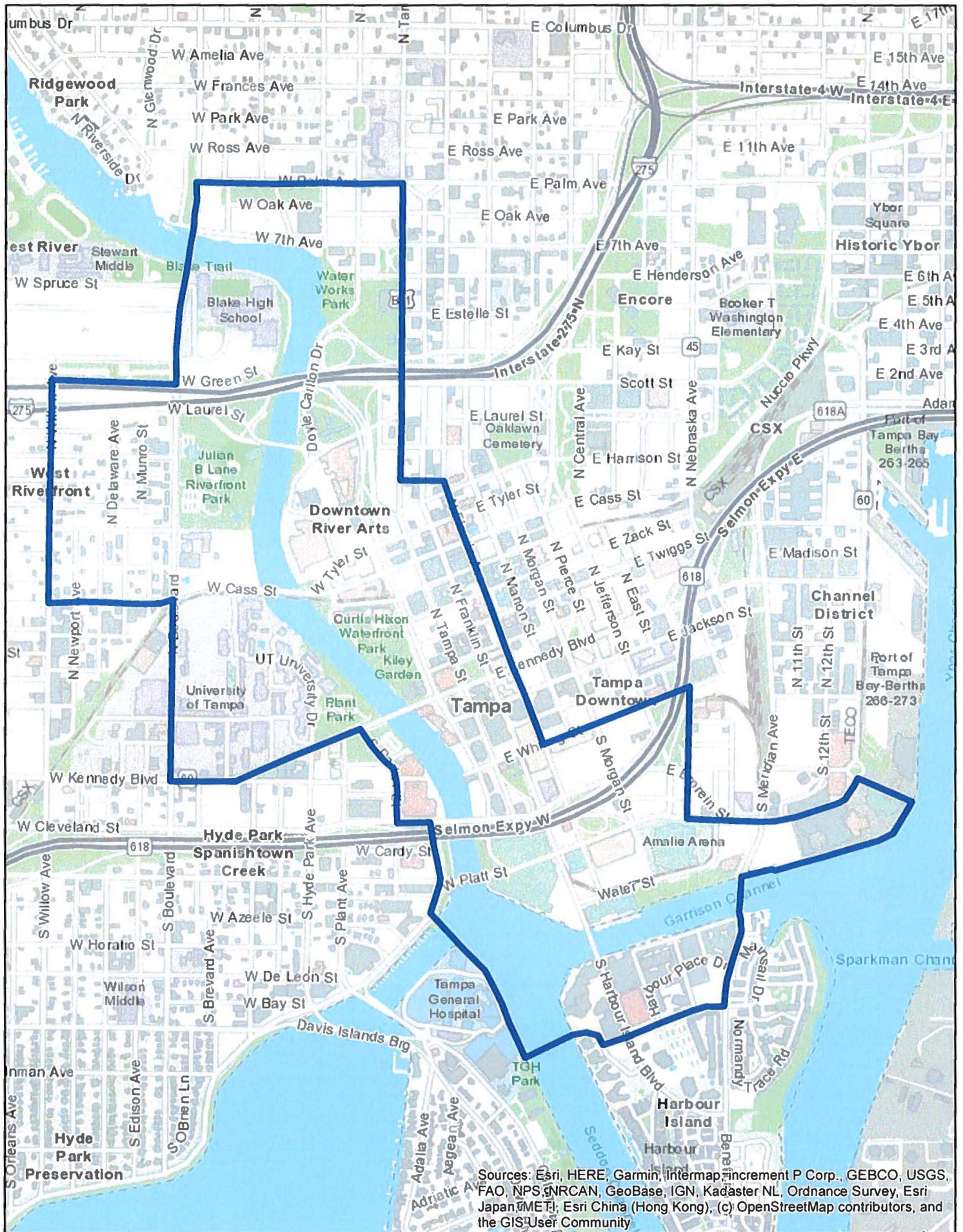


Exhibit 1c Event Zone - Downtown



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Exhibit 2

Entertainment Districts

