



## CITY OF KEY WEST

### STATE OF LOCAL EMERGENCY DIRECTIVE 2020-07

#### AMENDMENT 1

(changes in **Bold**)

WHEREAS, Section 252.38(3)(a), Florida Statutes, gives political subdivisions the authority to declare and enact a State of Local Emergency for a period of up to seven days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law; and

WHEREAS, on March 1, 2020, the Governor of Florida, Ron DeSantis, issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of Coronavirus Disease 2019 (COVID-19); in Florida; and on that same date, the State Health Officer and Surgeon General issued a Declaration of Public Health Emergency, stating that COVID-19 is a threat to public health in Florida;

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency because of COVID-19; and

WHEREAS, on March 15, 2020, at 3:15 p.m. the City of Key West declared a State of Local Emergency; and

WHEREAS, on March 30, 2020, the Governor of Florida issued Executive Order Number 20-89, which found that over sixty (60) percent of Florida's identified COVID-19 cases are in South Florida and as a result imposed additional restrictions on the South Florida Counties of Monroe, Miami-Dade, Broward, and Palm Beach; and

WHEREAS, the Centers for Disease Control (CDC) has since issued updated guidance entitled "30 Days to Slow the Spread," encouraging social distancing and maintaining a 6-foot separation between residents to slow the spread of infection and to avoid large and small gatherings in private places and public spaces, such a friend's house, parks, restaurants, shops, or any other place and to avoid all groups and/or gatherings of more than ten (10) people; and for individuals to cover their mouths and noses with a cloth face cover when around others, including when they have to go out in public; and

WHEREAS, in various executive orders, culminating with his order dated April 1, 2020, Governor DeSantis closed all non-essential businesses for a period of thirty (30) days and ordered senior citizens and those individuals with underlying health conditions to stay at home; and suspended all short-term vacation rentals in the State of Florida. The Governor had earlier also announced a reduction in occupancy for restaurants; and

WHEREAS, the County of Monroe issued Emergency Directive 20-02 on March 20, 2020, which closed the County to tourists and leisure visitors and ordered the closure of all hotels, short term vacation rentals, transient rentals for 14 days effective Sunday, March 22, 2020 (with certain exceptions);

WHEREAS, the White House has issued its proposed phased approach for reopening in the form of guidelines titled “Opening Up America Again”, and in those guidelines the White House recommends that the local government satisfy the recommended gating criteria before proceeding to phased comeback and that said gating criteria includes a downward trajectory of Covid-like syndromic cases and influenza-like illnesses reported within a 14-day period; downward trajectory of documented cases or positive tests as a percent of total tests within a 14-day period; and treat all patients without crisis care and robust testing program in place for at-risk healthcare workers, including emerging antibody testing; and

**WHEREAS, on May 15, 2020, the Governor of Florida issued Executive Order Number 20-123, to take effect at 12:01 a.m. on May 18, 2020, extending and modifying Executive Orders 20-112 and 20-120, allowing certain types of businesses to re-open under certain conditions, allowing certain types of businesses currently allowed to operate to expand their services and allowing local government to implement additional restrictions and measures; and**

WHEREAS, the City has issued six emergency directives as the enactment of the local state of emergency undertaken pursuant to Florida Statutes permits the City of Key West to take whatever action is necessary to insure the health, safety and welfare of the community;

WHEREAS, pursuant to Section 252.46, Florida Statutes, political subdivisions are authorized and empowered to make, amend, and rescind such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the provisions of Sections 252.31-252.90, Florida Statutes, such orders and rules have full force and effect of law, and all existing laws, ordinances, and rules inconsistent with any order or rule issued under the authority of such statute shall be suspended during the period of time and to the extent that such conflict exists; and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents in the City of Key West remain safe and secure and that any reopening promotes business operation and economic recovery while maintaining focus on core safety principals.

NOW THEREFORE, as Mayor and City Manager of the City of Key West, we hereby order the following:

### **Section 1. Individuals**

A. In conjunction with Governor DeSantis’ Executive Order 20-112, senior citizens and individuals with a significant underlying medical condition (such as chronic lung disease, moderate-to-severe asthma, serious heart conditions, immunocompromised status, cancer, diabetes, severe obesity, renal failure and liver disease) are strongly encouraged to stay at home

except for performing or obtaining essential services and take all measures to limit the risk of exposure to COVID-19.

B. All persons shall continue to limit their personal interactions outside their residence. In addition, all persons are required to:

1. Avoid congregating in groups of 10 or more;
2. Maintain social distancing of at least 6 feet from other persons not in your group;
3. Avoid touching surfaces frequently touched by others;
4. All individuals must eliminate close contact activities such as in pick-up sports games;

C. All public and private gatherings of any number of people not meeting CDC guidelines occurring outside a family unit, single household or living unit are prohibited, except for the limited purposes permitted by the City's Emergency Directives.

D. As stated in the City's Emergency Directive 2020-05, individuals with any signs or symptoms of COVID-19, and/or any person who has been diagnosed, or is reasonably believed to have been infected with COVID-19 shall separate themselves from all individuals who are not infected to prevent the possible spread of the disease and request assistance with accessing essential services, such as obtaining food or medications. . Such individual shall continue to isolate themselves until a health care professional and the state or local Department of Health certifies they do not pose a risk of transmission to others.

E. **Face Coverings.** All persons shall wear a form of covering over their nose and mouth at all times while inside any essential or non-essential business. Wearing a covering over the nose and mouth may include a face mask, homemade mask, or other cloth covering, such as a scarf, bandana, handkerchief or other similar cloth covering. The requirements of this subsection shall not apply to any outdoor activity permitted under any applicable City, County, or State order, except that individuals participating in any outdoor activity shall have a covering readily available to cover their nose and mouth when coming within 6 feet of any other individual that is not part of their immediate family or cohabiting living unit. Additionally, face coverings may be removed but must remain readily available during consumption at restaurant facilities operating as described below.

## **Section 2. Businesses**

A. All essential services and activities currently allowed, i.e., those described in City of Key West's State of Local Emergency Directive 2020-03 and those described in Governor DeSantis' Executive Order 20-91 and its attachments, may continue to operate pursuant to City of Key West's Emergency Directives, Monroe County's Emergency Directives and Governor DeSantis' Executive Orders. In addition to the protective measures included in City of Key West Emergency Directive 2020-05 and those referenced above, all services and activities shall comply with the provisions in subsection 2(B)(2-26) below. In the event of any conflict, the more restrictive protective measure shall control.

B. All in-store retail sales establishments previously deemed “non-essential”, along with museums, and libraries previously directed to close to the public may begin minimum basic operations on Monday, May 4, 2020. All such businesses shall implement measures which mitigate the exposure and spread of COVID-19. Such measures will include:

1. **Limiting capacity and monitoring entrances and exits to reduce their maximum occupancy load. Said businesses may increase their currently allowed occupancy load from twenty-five (25) percent to fifty (50) percent of their building occupancy;**
2. Requiring all employees and customers to wear a form of covering over their nose and mouth at all times while inside such business as follows:
  - i. Wearing a covering over the nose and mouth may include a face mask, homemade mask, or other cloth covering, such as a scarf, bandana, handkerchief or other similar cloth covering;
  - ii. Businesses are strongly encouraged to implement policies for employees to use other personal protective equipment, such as gloves, subject to the availability of such items;
  - iii. Nothing herein shall operate to restrict any employee or customer from accessing any retail or commercial establishment to address any emergency or other exigent circumstance, even if a covering over the nose and mouth is not readily accessible at the time of such emergency or other exigent circumstance.
  - iv. Medical and surgical face masks, such as "N95" masks or other similar medical or surgical masks are in short supply and should be reserved for health care personnel and other first responders with the greatest need for such personal protective equipment. Persons are encouraged to review and comply with the CDC and Florida Department of Health guidelines on personal protective equipment, including with respect to the use of a medical or surgical face mask, such as an "N95" mask or other similar medical or surgical mask.
3. Training all employees as per OSHA 390-03 2020 document ["Guidance on Preparing Workplaces for Covid-19"](https://www.osha.gov/Publications/OSHA3990.pdf).<sup>1</sup>
4. Implementing procedures to ensure that both employees and customers remain at least six feet apart at all times. Such procedures shall include, but are not limited to, marking floors at appropriate intervals, or providing other visible systems to allow persons to maintain proper social distancing;
5. **Implementing procedures for employees to sanitize frequent touchpoints throughout the day, including point of sale terminals at registers, checkout counters, door handles/knobs, door plates, equipment handles, shelves, and other appropriate locations;**

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<sup>1</sup> <https://www.osha.gov/Publications/OSHA3990.pdf>

6. Using touchless payment options as much as possible, when available. Ask customers and employees to exchange cash or card payments by placing on a receipt tray or on the counter rather than by hand.
7. Wiping any pens, counters, or hard surfaces between use or customer.
8. **Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;**
  - i. **Employees who appear to have signs or symptoms of illness upon arrival at work or who become sick or have signs or symptoms of illness during the day must immediately be separated from other employees, customers, and visitors, and sent home.**
9. Requiring frequent hand washing or sanitation by workers at appropriate places within the business location;
10. Prohibiting gatherings of workers;
11. Permitting workers to take breaks and meals outside, in their office or personal workspace, or in such other areas where proper social distancing is attainable;
12. Implementing staggered shifts where possible for workers;
13. Discouraging workers from using other workers' phones, desks, offices, or other work tools and equipment;
14. Prohibiting all unnecessary person-to-person contact;
15. Businesses that have multiple entrances and exits shall establish a protocol of entrance only and exit only points;
16. **Providing alcohol-based hand sanitizers, with at least 60% alcohol, for use by customers and employees.**
17. Providing disinfecting wipes at points of entrance, cash registers, and/or other appropriate locations, subject to availability of supplies, for customers to disinfect carts, shopping baskets, or point of sale terminals. In the alternative, essential businesses shall designate staff responsible for disinfecting carts, shopping baskets point of sale terminals, and other areas as frequently as possible.
18. Implementing cleaning and disinfection procedures in accordance with the [CDC Guidelines](#). **Cleaning products utilized should be listed on the [EPA List N: Disinfectants for Use Against SARS-CoV-2](#)**<sup>2</sup>.
19. Placing notices that encourage hand hygiene at the entrance to the store and in other workplace areas where they are likely to be seen;
20. Enforcing social distancing of non-cohabitating persons while present on such entity's leased or owned property;
21. If possible, providing for alternative points of sale outside of buildings, including curbside pickup or delivery of products and/or services if an alternative point of sale is permitted under Florida law;
22. Child play areas, if applicable, shall remain closed;
23. Public drinking fountains are prohibited.
24. Close all salad bars and other self-serve food stations.

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<sup>2</sup> <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>

25. Refrain from distributing free samples or conducting tastings.

C. All restaurants and food establishments licenses under Chapters 500 or 509, Florida Statutes, may allow on-premises consumption of food and beverage, so long as they implement measures to mitigate the exposure and spread of COVID-19. **Along with the required measures listed in section B above, and the mandatory measures required by [Florida Department of Business & Professional Regulation Information for Restaurants and Food Establishments](http://www.myfloridalicense.com/dbpr/os/documents/2020.05.15%20Posted%20Mandatory%20Measures%20and%20Best%20Practices%20for%20Restaurants.pdf)<sup>3</sup>, such businesses shall:**

1. **Limit capacity and monitor entrances and exits to reduce their maximum occupancy load. Said businesses may increase their currently allowed occupancy load from twenty-five (25) percent to fifty (50) percent of their building occupancy;**
2. **Maintain social distancing in the seating and service of patrons in all areas of the restaurant, including:**
  - i. **Maintaining a minimum of six feet between parties or use of a hard-surface partition that appropriately separates parties such as plexiglass; and**
  - ii. **Do not permit patrons to congregate in any area of the restaurant.**
3. **Limit their outdoor seating, if outdoor seating is permitted by Florida and/or local law, to allow a minimum of six feet between parties;**
4. **Only seat parties of 10 or fewer;**
5. **All bar counters remain closed to seating and consumption. Only employees may access bar counters;**
6. **Self-serve food stations, such as salad bars, shall remain closed;**
7. **Self-serve drink stations shall remain closed. Only employees may access self-serve stations;**
8. **While eating or drinking, customers are not subject to the requirements of the subsections above regarding covering of nose and mouth;**
9. **Provide alcohol-based hand sanitizers with at least 60% alcohol, disinfecting wipes, soap and water, or similar disinfectant for use by customers and employees in the dining area;**
10. **In addition to the cleaning, disinfecting and sanitizing requirements in this directive, table surfaces, arm rests and other items utilized by customers must be disinfected at each turn of service;**
11. **Use disposable food service items (utensils, dishes). If disposable items are not feasible, ensure that all non-disposable food service items are handled with gloves and washed with dish soap and hot water or in a dishwasher. Food contact surfaces, dishware, utensils, and beverage equipment should be washed, rinsed and sanitized after each use;**

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<sup>3</sup> [http://www.myfloridalicense.com/dbpr/os/documents/2020.05.15 Posted Mandatory Measures and Best Practices for Restaurants.pdf](http://www.myfloridalicense.com/dbpr/os/documents/2020.05.15%20Posted%20Mandatory%20Measures%20and%20Best%20Practices%20for%20Restaurants.pdf); DBPR Guidance: [http://www.myfloridalicense.com/dbpr/os/documents/2020.05.15 Posted FAQs re Executive Order 2020-123 - Restaurants.pdf](http://www.myfloridalicense.com/dbpr/os/documents/2020.05.15%20Posted%20FAQs%20re%20Executive%20Order%202020-123%20-%20Restaurants.pdf)

12. Employees should wash their hands after removing their gloves or after directly handling used food service items;
13. Ensure that ventilation systems operate properly and increase circulation of outdoor air as much as possible by opening windows and doors, using fans, other methods. Do not open windows and doors if doing so poses a safety risk to employees, children, or customers;
14. **Must remove all unnecessary, frequently touched items like table buzzers, service menus, magazines, newspapers, and any other unnecessary paper products and décor from customer areas.** Disposable menus are encouraged and must be thrown away or recycled after each use. In the alternative, the menu may be displayed if it is located such that it cannot be handled by the customers;
15. **Must adhere to all existing provisions of the 2017 FDA Food Code as adopted by the Florida Division of Hotels & Restaurants;**
16. **It is recommended restaurants monitor and implement best practices for food safety at restaurants and retail food stores as published and updated by the U.S. Food and Drug Administration;**
17. Delivery drivers shall continue to use facial coverings in accordance with prior emergency directive 2020-05. **Third-party delivery staff must wait outside or in non-congested areas practicing social distancing guidelines when picking up delivery orders.**

D. Temperature Screenings. **Infrared or non-contact thermometers must be used in the following circumstances:**

1. **All Employers.** In addition to the health screenings referenced in Section B above, employers shall take the temperature daily of all employees reporting to work. Any employee testing at or above 100.4 degrees Fahrenheit may indicate a medical issue that could be transmitted to others. The employee shall be sent home with a recommendation to consult a medical professional. All actions taken by the Employers shall be consistent with the guidance provided by the [Equal Employment Opportunity Commission](#).<sup>4</sup>
2. **Restaurants.** In addition to the health screenings referenced in Section B above, restaurants shall take the temperature of every customer entering the premises. Any customer testing at or above 100.4 degrees Fahrenheit may indicate a medical issue that could be transmitted to others. The customer shall be denied entry to the restaurant and given a recommendation to consult a medical professional. Clients should be reminded that only certain, limited types of businesses operating in the City are permitted to allow individuals to remove their facial coverings while near others for an extended period of time. This provision is for their safety, as well as the safety of employees and other patrons.

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<sup>4</sup> <https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>

### Section 3. Enforcement

This Emergency Directive shall be enforced under section 252.47, Florida Statutes. Violation of this order is a second-degree misdemeanor pursuant to section 252.50, Florida Statutes, and is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both.

### Section 4. General


A. The provisions of this Directive shall serve as minimum standards in conjunction with all Emergency Directives and Executive Orders previously issued and remain in force and effect unless modified or superseded. In the event of any conflict, the more restrictive measure shall control.

B. This Directive does not affect or limit the operations of the City of Key West, any public utility, the Monroe County School District, or any County, State or Federal office or facility, except that such entities shall abide by the restriction of any County, municipal, State or Federal emergency order, as applicable.

**C. Local Emergency Directive 2020-07 which became effective on May 4, 2020 remains in effect except for those portions amended as specified above. The conditions delineated herein shall be assessed daily and this Directive, including this Amendment 1, shall remain in effect until amended, superseded, repealed or upon expiration of the local state of emergency, including any extensions thereof. Instances of non-compliance may result in suspension of the order.**

D. This entire Directive in easing the restrictions on business activity (and hopefully those additional measures that may be forthcoming for our economic well-being) is dependent upon the public's compliance and cooperation. Any increase in the rate of spread of Covid-19 in our community jeopardizes our ability to move forward. We strongly encourage individuals to act responsibly for their health and the physical and economic health of our community.

E. This Emergency Directive is effective at 12:01 a.m. on May 18, 2020.

Signed   
Teri Johnston, Mayor, City of Key West

Date: 5-17-20

Time: 6:08 PM

Signed   
Gregory W. Veliz, Manager, City of Key West

Date: 5.18.20

Time: 7:48 AM