



CITY OF KEY WEST

STATE OF LOCAL EMERGENCY DIRECTIVE 2020-11

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 9, 2020, the Governor of Florida issued Executive Order Number 20-120, to take effect at 12:01 a.m. on May 11, 2020, extending and modifying Executive Order 20-112, allowing certain types of businesses to re-open under certain conditions and allowing local government to implement additional restrictions and measures and;

WHEREAS, the City has issued ten 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 re-opening 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:

A. Charter Vessels and Dive Boats (“Commercial Recreational Vessels”) which have passengers boarding and/or disembarking at any location within the City of Key West at any point in the trip shall implement measures which mitigate the exposure and spread of COVID-19. Such measures will include:

1. All commercial recreational vessels licensed by the City of Key West for 10 or less people shall operate in accordance with their license capacity.

2. All commercial recreational vessels licensed for more than 10 people by the City of Key West shall limit their capacity to 50% of their permitted amount as set forth by their City of Key West license. However, in no event shall the reduction in capacity to 50% cause the maximum allowed to fall below 10 patrons. These larger vessels shall appropriately mark their areas and institute other precautionary measures to encourage social/physical distancing to the maximum extent possible. 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.
3. All trips will be by reservations only. No walk-up reservations.
4. Removing all unnecessary, frequently touched items like magazines, advertisements brochures and other unnecessary paper products and décor from client service areas or booths.
5. Prohibiting all unnecessary person-to- person contact.
6. Using touchless payment options as much as possible, when available.
7. Captain, crew and patrons shall wear facial coverings and practice social distancing both on shore and on the vessel as follows:
 - i. Wearing a covering over the nose and mouth may include a face mask, face shield, gaiter, homemade mask, or other cloth covering, such as a scarf, bandana, handkerchief or other similar cloth covering.
 - ii. Nothing herein shall operate to restrict any employee, crewmember 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.
 - iii. 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.
8. Passengers and crewmembers should not pass or share fishing rods or equipment, to the maximum extent possible.
9. Fish cleaning and bait table stations shall be limited to one person per station at a time. Fish cleaning and bait table stations shall be cleaned with soap and water or a disinfecting agent between each charter.
10. Ensure that hand sanitizer is available throughout the vessel for use by clients and employees.
11. All employees shall be trained as per OSHA 390-03 2020 document [“Guidance on Preparing Workplaces for Covid-19”](#). Vessel captains must train their crewmembers in basic hygiene practices, such as frequent and thorough hand washing, respiratory etiquette (e.g., covering coughs and sneezes), and discourage

crewmembers or passengers from using others' personal property, work tools, and equipment.

12. Implementing cleaning and disinfection procedures in accordance with the [CDC Guidelines](#) and ensure all surfaces, especially hard surfaces, are cleaned frequently with approved bleach, alcohol, or peroxide based solutions.
13. Screening and evaluating employees and crewmembers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;
14. Requiring crewmembers and/or employees who exhibit signs of illness to leave work and/or not report to work in addition to seeking medical attention;

***Limitations on use of vessels on-water shall be enforced as permitted by Florida Law by any law enforcement entity having jurisdiction.**

B. All businesses which provide for the rentals of Jet Skis, Canoes, Kayaks, and Paddle Boards (“Commercial Recreational Rentals”) which have customers checking-in or checking-out at any location within the City of Key West at any point in the rental shall implement measures which mitigate the exposure and spread of COVID-19. Such measures will include:

1. Jet Ski Rentals: Jet ski rental operations shall be limited to single riders only (or to one adult and one immediate child family member).
2. Canoes/Kayaks/Paddle Boards: Canoes/kayaks/paddle boards shall be limited to single person use only (or to one adult and one immediate child family member).
3. All Commercial Recreational Rentals shall additionally abide by the following measures at their physical check-in and check-out locations:
 - i. All check-ins will be by reservations only. No walk-up reservations.
 - ii. Will remove all unnecessary, frequently touched items like magazines, advertisements brochures and other unnecessary paper products and décor from client service areas or booths.
 - iii. Shall use touchless payment options as much as possible, when available.
 - iv. Ensure that hand sanitizer is available at the check-in and check-out location for use by customers and employees.
4. All employees shall be trained as per OSHA 390-03 2020 document [“Guidance on Preparing Workplaces for Covid-19”](#).
5. Implementing cleaning and disinfection procedures in accordance with the [CDC Guidelines](#) and ensure all surfaces, especially hard surfaces, are cleaned frequently with approved bleach, alcohol, or peroxide based solutions. All rental equipment shall be cleaned in between each use or customer.
6. Screening and evaluating employees who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath.
7. Requiring employees who exhibit signs of illness to leave work and/or not report to work in addition to seeking medical attention.

C. Temperature Screenings. Within 14 calendar days from the effective date of this order infrared or non-contact thermometers must be used by the businesses referenced in section A. and section B., above, in the following circumstances:

1. Employers. In addition to the health screenings referenced 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 (<https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>).
2. Passengers/Customers. In addition to the health screenings referenced above, services allowed to re-open under this directive shall take the temperature of every client entering the premises. Any client testing at or above 100.4 degrees Fahrenheit may indicate a medical issue that could be transmitted to others. The client shall be denied entry to the business and given a recommendation to consult a medical professional. Clients should be reminded that these service businesses, along with restaurants, cosmetology salons and barbershops, are the only businesses operating in the City where individuals are permitted to be near others with separation measuring less than the required 6 feet for an extended period of time. This provision is for their safety, as well as the safety of employees, crewmembers and other patrons.

D. For purposes of this directive only, “Employee”, “Employees” or “crewmembers” are used interchangeably and shall also include independent contractors, tenants, sub-tenants, lessee, lessees, etc.

E. 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.


F. 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.

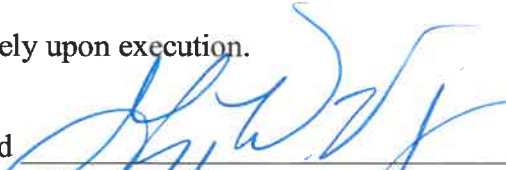
G. This Directive does not affect or limit the operations of the City of Key West, any public utility, the Monroe County School District, or any County, State or Federal office or facility, except that such entities shall abide by the restriction of any County, municipal, State or Federal emergency order,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

H. The conditions specified herein shall be assessed daily and this Directive shall remain in effect until 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.

I. 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.

J. This Emergency Directive is effective immediately upon execution.

Signed 
Teri Johnston, Mayor, City of Key West
Date: 5/22/20
Time: 9:43 AM

Signed 
Gregory W. Veliz, Manager, City of Key West
Date: 5/22/20
Time: 9:41 AM