



CITY OF KEY WEST

STATE OF LOCAL EMERGENCY DIRECTIVE 2020-09

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 eight 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, that in addition to the Governor’s requirements in Executive Order 20-120, the following:

A. In conjunction with Governor DeSantis’ Executive Order 20-120, Florida Department of Business & Professional Regulation Information for Barbershops, Cosmetology Salons and Cosmetology Specialty Salons and Related Frequently Asked Questions and the City of Key West’s Emergency Directive 20-07, the holders of the following state-issued barber or cosmetology licenses may begin to provide services allowed by the State of Florida under those licenses on Monday, May 11, 2020:

- Barbers
- Restricted Barbers
- Cosmetologist
- Nail Specialist
- Facial Specialist
- Full Specialist
- Hair Braider
- Hair Wrapper
- Body Wrapper

B. In order to begin operations, all such businesses shall implement measures which mitigate the exposure and spread of COVID-19. Such measures will include:

1. All clients will be by appointment only. No walk-in appointments.
2. A minimum of 15 minutes must be allocated between the conclusion of an appointment and the beginning of the next appointment for proper disinfecting measures. Appointments must be staggered so only one person per station is arriving at a time.
3. Spacing between persons and stations in the salon must be at least six feet, except when staff are servicing clients. Salons/shops should consider additional spacing between booths, divider shields, and/or alternate work schedules to accomplish this;
4. Requiring all persons 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, face shield, homemade mask, or other cloth covering, such as a scarf, bandana, handkerchief or other similar cloth covering;
 - ii. Clients must wear face coverings except to the extent such face coverings unreasonably interfere with the provision of professional services.
 - iii. Nothing herein shall operate to restrict any employee, worker 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.
5. All persons except for clients must wear disposable gloves when servicing clients and change gloves between each client to the greatest extent possible.

6. Remove all unnecessary, frequently touched items like magazines, newspapers, service menus and other unnecessary paper products and décor from client service areas.
7. All waiting areas shall be closed. Client must wait in their car or outside while maintaining social distancing until an available station is cleaned, prepared and ready for service for the next patron.
8. No group appointments are permitted, with the exception of immediate family members. Where multiple individuals are seeking joint or co-scheduled appointments to obtain services as a party at the same appointment time, barbershops and salons shall restrict the number of individual appointments to the number of available service stations that can be responsibly accommodated while maintaining appropriate social distancing.
9. Each client must be draped with a clean cape. Capes should be laundered following the fabric recommendations between each client, or salons/shops may consider using disposable capes and dispose of the cape after it is used.
10. Hand relief treatments as well as scalp, neck, and shoulder massages shall be discontinued until further notice.
11. All employees shall be trained as per OSHA 390-03 2020 document “Guidance on Preparing Workplaces for Covid-19”.
12. Implementing cleaning and disinfection procedures in accordance with the CDC Guidelines, Rule 61G3-19.011 (Barbershop Requirements) and Rule 61G5-20.002 (Salon Requirements), Florida Administrative Code.
13. Implementing procedures for employees to sanitize frequent touchpoints throughout the day, including point of sale terminals at registers, door handles, door plates, shelves, treatment rooms, restrooms and other appropriate locations;
14. Using touchless payment options as much as possible, when available. Ask clients and employees to exchange cash or card payments by placing on a receipt tray or on the counter rather than by hand. Any pens, counters, or hard surfaces shall be cleaned in between use or client.
15. Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, or shortness of breath;
16. Requiring workers who exhibit signs of illness to leave work and/or not report to work in addition to seeking medical attention;
17. Requiring frequent hand washing or sanitation by workers at appropriate places within the business location;
18. Prohibiting gatherings of workers;
19. Implementing staggered shifts where possible for workers;
20. Discouraging workers from using other workers' phones, or other work tools and equipment;
21. Prohibiting all unnecessary person-to- person contact;
22. Businesses that have multiple entrances and exits shall establish a protocol of entrance only and exit only points;

23. Providing alcohol-based hand sanitizers for use by clients and employees, subject to availability of supplies.
24. Providing disinfecting wipes at points of entrance, registers, and/or other appropriate locations, subject to availability of supplies, for use by clients.
25. Placing notices that encourage hand hygiene at the entrance to the business and in other workplace areas where they are likely to be seen;
26. Enforcing social distancing of non-cohabitating persons while present on such entity's leased or owned property;
27. Prohibiting the use of drinking fountains on the premises.

C. Temperature Screenings. Within 14 calendar days from the effective date of this order infrared or non-contact thermometers must be used in the following circumstances:

1. 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 (<https://www.eeoc.gov/laws/guidance/pandemic-preparedness-workplace-and-americans-disabilities-act>).
2. Clients. In addition to the health screenings referenced in Section B 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 personal service businesses, along with restaurants, are the only businesses operating in the City where individuals are permitted 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.

D. For purposes of this directive only, "Employee", "Employees" or "Workers" shall also include independent personal service 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.

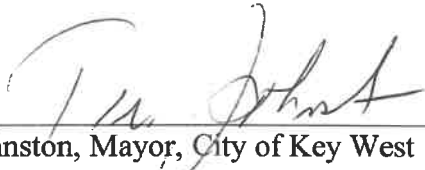
F. The provisions of this Directive shall serve as minimum standards in conjunction with all Emergency Directives and Executive Orders previously issued and remain in force and effect unless modified or superseded. In the event of any conflict, the more restrictive measure shall control.

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. In the event of conflict, the more restrictive measure shall apply.

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 at 12:01 a.m. on May 11, 2020.

Signed 
Teri Johnston, Mayor, City of Key West

Date: 5-10-20

Time: 10:33 AM

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

Date: 5-10-20

Time: 10:35 AM