



**CITY OF KEY WEST
STATE OF LOCAL EMERGENCY DIRECTIVE 2020-12**

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 eleven 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; and

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 the following:

A. All businesses, services, and activities currently allowed to operate shall continue to do so pursuant to City of Key West’s Emergency Directives, including any amendments, Monroe County’s Emergency Directives, to the extent they do not conflict with this Directive, and Governor DeSantis’ Executive Orders.

B. In conjunction with Governor DeSantis' Executive Order 20-123, [Florida Department of Business & Professional Regulation Information for Gyms and Fitness Centers](#)¹ and the [City of Key West's Emergency Directive 20-07](#)² in its entirety, Gyms and Fitness Centers located within the City of Key West may begin to operate on Monday, May 18, 2020. In order to begin operations, all such businesses shall implement measures which mitigate the exposure and spread of COVID-19. Such measures shall include:

1. Limiting access to the building and monitoring entrances and exits to reduce their maximum occupancy load to no more than fifty (50) percent of their building occupancy.
2. Prohibiting the use of drinking fountains on the premises. Gyms and fitness centers may provide patrons with single use water bottles instead.
3. Implementing safety measures which shall include:
 - i. Limiting the number of participants in group fitness classes in order to maintain at least six feet of social distancing at all times.
 - ii. Patrons must wash or sanitize their hands upon entering the facility.
 - iii. Using touchless payment options as much as possible, if possible. Any pens, counters, or hard surfaces shall be cleaned in between use or client.
 - iv. Procedures to ensure that all persons remain at least six feet apart at all times. 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. Physical distancing cues should be marked in fitness studios, locker rooms, lounges, strength floors and cardio floors, etc.
 - v. Arranging exercise equipment to ensure patrons maintain six feet of social distancing while using the equipment. Equipment should be moved, restricted or marked off so clients can only use machines that are at least six feet apart.
 - vi. Display posters and signs throughout the facility to remind visitors to take steps to prevent the spread of COVID-19. The physical distancing signs will show which equipment is available for use, and signs will be placed throughout to remind patrons to wipe down equipment before and after use and to practice physical distancing.
 - vii. Open doors between separate fitness areas or rooms of the facility to reduce surface touching by multiple people. Open windows where feasible to improve ventilation in the facility.
 - viii. Remove all unnecessary, frequently touched items like magazines, newspapers, service menus and any other unnecessary paper products and décor from customer waiting areas and locker rooms.

¹ [http://www.myfloridalicense.com/dbpr/os/documents/2020.05.15 Posted Mandatory Measures and Best Practices for Gyms and Fitness Centers.pdf](http://www.myfloridalicense.com/dbpr/os/documents/2020.05.15%20Posted%20Mandatory%20Measures%20and%20Best%20Practices%20for%20Gyms%20and%20Fitness%20Centers.pdf)

² <https://www.cityofkeywest-fl.gov/egov/apps/document/center.egov?view=item;id=20911>

- ix. A minimum of 15 minutes must be allocated between the conclusion of a group fitness class and the beginning of the next class for proper disinfecting measures and procedures.
 - x. Shared locker use is prohibited, and any locker use is strongly discouraged. Any lockers used must be cleared and disinfected daily.
 - xi. Customers and staff shall not congregate.
4. Implementing cleaning and disinfection procedures in accordance with the CDC Guidelines. Such procedures shall also include:
- i. Thoroughly cleaning and disinfecting prior to reopening. Businesses must disinfect all surfaces, seating, counters, weights, weight bars, mats, machines, other fitness equipment and linens. This type of cleaning shall continue between each day of operation.
 - ii. Instructing patrons to clean touched surfaces and machines using sanitation wipes before and after each use. Gyms and Fitness Centers must have enough cleaning supplies to ensure patrons' individual self-cleaning of touched surfaces and machines. For this purpose, Gyms and Fitness Centers must offer readily-available dispensers of a disinfectant included on the EPA List N: Disinfectants for Use Against SARS-CoV-2³ and provide patrons with cleaning materials, including disposable wipes. Gyms and fitness centers are responsible for strictly enforcing this directive.
 - iii. During daily operation, routinely cleaning and disinfecting surfaces, particularly high-touch surfaces such as registers, faucets, toilets, doorknobs, and light switches.
 - iv. Maintaining restrooms that remain open with functional toilets, clean and disinfected surfaces, and handwashing supplies, including soap and materials for drying hands.
 - v. Providing alcohol-based hand sanitizers with at least 60% alcohol for use by patrons and employees.
5. Showers, steam rooms, saunas, and indoor team sport areas shall be closed until further notice.
6. Screening and evaluating workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit (as indicated below), 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.
7. Training all employees as per OSHA 390-03 2020 document "Guidance on Preparing Workplaces for Covid-19".
8. Requiring frequent hand washing or sanitation by employees at appropriate places within the business location;
9. Prohibiting gatherings of employees;

³ <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>

10. Implementing staggered shifts where possible for employees;
11. Discouraging employees from using other workers' phones, or other work tools and equipment;
12. Requiring all persons, including but not limited to employees, to wear a form of covering over their nose and mouth 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. Patrons must wear face coverings all times except while engaged in strenuous physical activity.
 - iii. Children under the age of 2 and persons who have trouble breathing due to a chronic pre-existing condition are exempt from this requirement.
 - iv. Nothing herein shall operate to restrict any employee, worker or patron 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.
 - v. 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.

C. Temperature Screenings. Within 7 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 (6) 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](#).⁴
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

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

denied entry to the business 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. 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 contractor(s), trainer(s), tenant(s), sub-tenant(s), lessee(s), sub-lessee(s), 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 at 12:01 a.m. on May 18, 2020.

Signed 
Teri Johnston, Mayor, City of Key West

Date: 5-17-20

Time: 10:30 AM

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

Date: 5.17.20

Time: 1:55 PM