



CITY OF KEY WEST

STATE OF LOCAL EMERGENCY DIRECTIVE 2020-16

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and causes symptoms similar to those of influenza and, in some cases, cause death; and

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; and

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

WHEREAS, the Centers for Disease Control (CDC) has since issued guidance entitled 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 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, the CDC strongly advises that reopening of communities include full observance of the social distancing, facial covering, and sanitation requirements stated in the CDC Guidelines in order to minimize the risk of a dramatic increase in infections that might overwhelm the available public health resources and require reclosure of amenities and businesses; and

WHEREAS, in various executive orders, culminating with his order dated April 1, 2020, Governor DeSantis closed all non-essential businesses and suspended all short-term vacation rentals in the State of Florida; and

WHEREAS, on June 3, 2020, the Governor of Florida issued Executive Order Number 20-139, to take effect at 12:01 a.m. on June 5, 2020, extending, and supplementing prior executive orders, allowing certain types of businesses to operate under certain conditions, and allowing local government to implement additional restrictions and measures; 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, the City has issued fifteen 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 including Emergency Directive 20-03 which closed attractions and activities operating within the City of Key West which support social gatherings of 10 or more people in a limited area; and

WHEREAS, mitigating the effects of COVID-19 and protecting the health of its citizens and visitors is a high priority of the City of Key West and minimization of social contact is necessary to avoid risk of COVID-19 infection for citizens and visitors of the City; and

WHEREAS, City of Key West and Monroe County COVID-19 hospitalizations and illnesses have stabilized and have declined, the City is allowing for certain activities and services to resume; 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. The Sunset Celebration at Mallory Square may resume provided that the organizers implement measures which mitigate the exposure and spread of COVID-19. Such measures will include:

1. Implementing cleaning and disinfection procedures in accordance with the CDC Guidelines and ensure all high-touch surfaces, including but not limited to, sales locations or booths, are cleaned frequently. Cleaning products utilized should be listed on the [EPA List N: Disinfectants for Use Against SARS-CoV-2](https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2)¹.
2. Except for immediate family members and/or members of the same travel group, all persons shall continue to maintain social distancing from other persons not in their group. This includes while observing a performance.

¹ <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>

- i. Immediate family members are defined as individual and spouse, domestic partner, parents, caretakers, household members, children, or legal guardians who reside in the same household, and inclusive of children whose custody is shared between two parents in different households;
3. Ensure that alcohol-based hand sanitizers with at least 60% alcohol is available for the use of all persons at various areas around Mallory Square.
4. City of Key West Emergency Directive 20-13, in its entirety, until such time as amended or repealed, shall apply to all businesses allowed to open under this directive regarding face coverings and employee health and temperature screenings.
 - i. All visitors must wear facial coverings in areas where social distancing is not possible, in accordance with the City of Key West's Emergency Directive 20-13.
 - ii. All Vendors and Artists must wear facial coverings in sales locations or booths where social distancing is not possible in accordance with the City of Key West's Emergency Directive 20-13.
 - iii. While performing, Performers will not be required to wear a mask.
5. All Performance Acts shall implement procedures to ensure that there is at least 6 feet of space between the Performance Act and any spectator at all times. Such procedures shall include, but are not limited to, signs, cones, signs, props or providing other visible systems to allow persons to maintain proper social distancing.
6. No performance act shall engage the use of the audience during their performance.
7. Performance Acts, Artist and Vendor spaces will be at least 6 feet apart from each other.
8. Food Vendors will adhere to any and all City of Key West Directives regarding Restaurants, as applicable.
9. Prohibiting all unnecessary person-to- person contact. Such measures will include using touchless payment options as much as possible, when available.
10. Tarot Card Readers, Crystal Ball Readers, Energy Workers and/or Palm Readers (otherwise known as Twilight Persons) may physically interact with a customer if necessary provided they wear disposable gloves during each interaction and change gloves between each customer. Gloves must be thrown away in a trash receptacle.

B. For purposes of this directive, "Employee", "Employees" or "Workers" shall also include owner(s), independent contractor(s), trainer(s), tenant(s), sub-tenant(s), lessee(s), sub-lessee(s), vendor(s), etc.

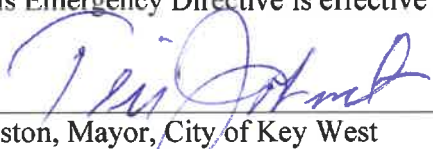
C. All businesses are responsible for strictly enforcing any and all required social distancing, facial coverings and temperature and health screening directives. Any lack of enforcement on behalf of the businesses may subject the business, its employees, owners, agents, etc., to the charges, fines and penalties in Section D. Any individual who violates this directive is also subject to the charges, fines and penalties in Section D.

D. 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.

E. 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. If any provision herein, or portion thereof, is held to be invalid or unenforceable by a court of competent jurisdiction, the remainder of this directive shall continue in full force and effect.

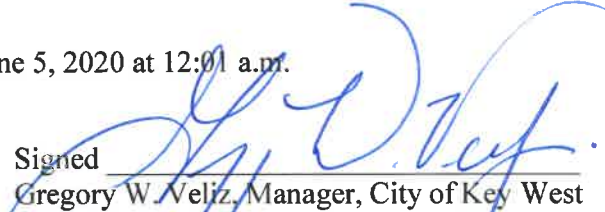
F. The conditions specified herein shall be assessed daily and this Directive shall remain in effect until superseded, repealed or upon expiration of the local state of emergency, including any extensions thereof.

G. This Emergency Directive is effective June 5, 2020 at 12:01 a.m.

Signed 
Teri Johnston, Mayor, City of Key West

Date: 6-5-20

Time: 9:24 AM

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

Date: 6.5.20

Time: 9:30 AM