



CITY OF KEY WEST

STATE OF LOCAL EMERGENCY DIRECTIVE 2020-18
PUBLIC BEACHES AND PUBLIC PARKS CLOSURES
THURSDAY, JULY 2, 2020, 5:00 p.m. - TUESDAY, July 7, 2020, 6:00 a.m.

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, 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 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, stating that "COVID-19 spreads mainly among people who are in close contact (within about 6 feet) for a prolonged period"¹ and "[t]he more people an individual interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading"²; 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

¹ <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>

² <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>

WHEREAS, on June 15, 2020, the CDC issued updated Guidance titled "Venturing Out? Be Prepared and Stay Safe" where the CDC stated "[b]eing in a group with people who aren't social distancing or wearing cloth face coverings" increases your risk" of contracting COVID-19;³ and which recommends keeping on hand "a cloth face covering, tissues, and a hand sanitizer with at least 60% alcohol" when venturing out, 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 modifying Executive Orders 20-112, 20-120 and 20-139, implementing Phase 2 of his Safe. Smart. Step-by-Step. Plan for Florida's Recovery 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, Friday, June 26, 2020, the Florida Department of Business and Professional Regulation issued an Emergency Order, known as 2020-09, disallowing certain types of businesses from allowing consumption of alcohol on their premises; and

WHEREAS, as of June 29, 2020, Palm Beach County, Broward County, Miami-Dade County and Monroe County had all issued announcements stating that their beaches would be closed for the Fourth of July holiday;

WHEREAS, the City has issued seventeen 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, 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, 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 and slowing the spread of COVID-19, given a recent increase in positive reported cases of COVID-19 within the City of Key West;

³ <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/activities.html>

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

A. Commencing at 5:00 p.m., Thursday, July 2, 2020 and extending through 6:00 a.m., Tuesday, July 7, 2020 and notwithstanding any other emergency order to the contrary, all public beaches and their facilities, and all public parks and their facilities, located within the City of Key West shall be closed.

B. Any individual or business establishment who violates this directive is subject to the charges, fines and penalties in section C.

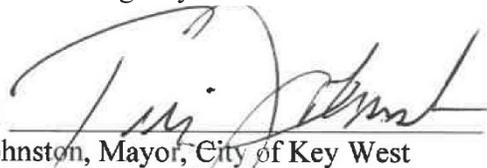
C. This Emergency Directive shall be enforced under section 252.47, Florida Statutes. Violation of this order is a second-degree misdemeanor pursuant to section 252.50, Florida Statutes, and is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both.

D. 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.

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 immediately.

Signed 
Teri Johnston, Mayor, City of Key West

Date: 6/29/20

Time: 10:40 AM

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

Date: 6/29/20

Time: 10:27 PM