



CITY OF KEY WEST

STATE OF LOCAL EMERGENCY DIRECTIVE 2020-13
Use of Facial Coverings and Required Health Screenings for All Businesses
AMENDMENT 2
(Changes in Bold)

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, 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 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, 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;¹ 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, in various executive orders, culminating with his order dated May 18, 2020, Governor DeSantis allowed certain types of businesses to operate and/or expand their services, and has allowed local government to implement additional restrictions and measures; and

¹ <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/activities.html>

WHEREAS, the County of Monroe issued Emergency Directive 20-09, which effective June 1, 2020, allows tourists and leisure visitors to enter Monroe County and lodging establishments to resume operations; and

WHEREAS, on June 17, 2020, the County of Monroe has enacted Ordinance 014-2020 which requires individuals to use facial coverings while in a business with enumerated exceptions, penalties, and enforcement mechanisms;

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, the City's various emergency directives thereafter require facial coverings, as defined by the United States Centers for Disease Control and Prevention (CDC), to be worn by persons working in or visiting grocery stores, restaurants, public transit vehicles, vehicles for hire, and locations where social distancing measures are not possible and/or difficult to enforce; 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

WHEREAS, the Third District Court of Appeal has defined the term business establishment to mean "a location where business is conducted, goods are made or stored or processed or where services are rendered." *Publix Supermarkets, Inc. v. Santos*, 118 So.3d 317 (Fla. 3d DCA 2013); and

WHEREAS, the City of Key West is issuing this directive regarding face coverings and temperature screenings for clarity regarding the use of face coverings outside, the requirement that social distancing is mandatory all for all persons working, living, visiting, or doing business within the City of Key West, and to clarify the penalties for failure to comply.

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

A. Senior citizens and individuals with a significant underlying condition are strongly encouraged to avoid crowds and take measures to limit the risk of exposure to COVID-19.

B. Definitions.

- 1. “Face Covering” shall mean a material that covers the nose and mouth and may include a face mask, face shield, homemade mask, or other cloth covering, such as a scarf, bandana, handkerchief or other similar cloth covering.**
- 2. “Other person(s)” as used in this directive shall not include “Household Members” or members of the same travel group. “Household Members” are defined as individual and spouse, domestic partner, parents, caretakers, 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. “Social Distancing” shall mean keeping space between yourself and other persons by staying at least 6 feet away from other person(s).**
- 4. “Business Establishment” is defined as a location where business is conducted, goods are made or stored or processed or where services are rendered. The term “business establishment” shall also include locations where non-profit, governmental, and quasi-governmental entities facilitate public interactions and conduct business.**

C. Face Coverings required.

- 1. All persons over the age of six (6) while physically located within the City of Key West, and who are away from their residence, shall wear a face covering when not maintaining social distancing from other person(s).**
- 2. All persons over the age of six (6) in any business establishment operating in the City of Key West shall wear a face covering.**
- 3. All persons over the age of six (6) while physically located within the City of Key West, and who are away from their residence, shall carry a face covering capable of immediate use.**

D. Face Covering exceptions. The requirements of section C are subject to the following exceptions:

- 1. A lodging establishment guest(s) while inside the lodging unit including a hotel room, motel room, vacation rental unit, timeshare unit, or similar unit. “Lodging Establishment” shall have the same meaning as the term “transient public lodging establishment” as defined in § 509.013(4)(a)(1), Fla. Stat. (2019).**
- 2. Persons who are outdoors and are maintaining social distancing from other person(s).**
- 3. Public safety, fire, and other life safety personnel, as their personal protective equipment requirements will be governed by their respective agencies, which shall include facial covering for City of Key West personnel;**
- 4. Persons who are eating or drinking are not subject to the face coverings requirement.**
- 5. Persons subject to an express exception in an applicable Executive Order of the Governor or a City of Key West Emergency Directive.**

E. The intent of the covering is to protect the health of the residents and visitors of the City of Key West and is in no way intended to allow the wearer to intentionally conceal their identity.

F. Health and Temperature Screenings. The following health screening requirements shall apply for all business establishments permitted to operate within the City of Key West. Social distancing requirements must be maintained whenever possible even when temperature screenings are required; temperature screenings are in addition to, and not a substitute for, appropriate social distancing.

1. Health and Temperature Screenings for Employers and Employees are Required.
 - i. All businesses establishments must screen and evaluate workers who exhibit signs of illness. Employers shall take the temperature daily of all employees reporting to work utilizing infrared or non-contact thermometers. 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 (EEOC).
 - ii. 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, clients, guests and visitors, and sent home.
2. **Health and Temperature Screenings for customers, clients, guests and/or patrons are strongly recommended when not maintain social distancing from other persons, excluding Household Members and members of the same travel group.**
3. 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), etc.

G. Individuals that do not comply with this Order are subject to monetary fines, criminal charges and penalties pursuant to section I of this Order.

H. Business Establishments and/or its employees, owners, agents, etc., that do not comply with this Order are subject to the monetary fines, criminal charges and penalties in section I.

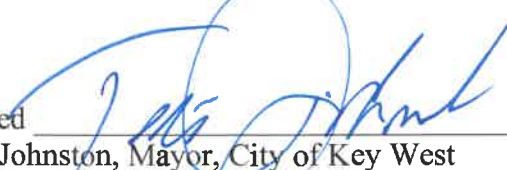
I. Penalties and Enforcement. This Emergency Directive shall be enforced under section 252.47, Florida Statutes. Violation of this order is a second-degree misdemeanor pursuant to section 252.50, Florida Statutes, and is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both. **Violators may also be subject to the enforcement measures and civil penalties enumerated in Monroe County Ordinance 014-2020, section 5.**

J. 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.

K. 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.

L. 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.

M. This Amended Emergency Directive is effective immediately.

Signed 
Teri Johnston, Mayor, City of Key West

Date: 6/19/20

Time: 1:58 pm

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

Date: 6/19/20

Time: 1:46 pm