



CITY OF KEY WEST

STATE OF LOCAL EMERGENCY DIRECTIVE 2020-13 **Use of Facial Coverings and Required Health Screenings for All Businesses**

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;

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

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, the City has issued twelve 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 and ease of reference for all visitors and residents and business establishments currently operating and/or establishments that in the future may reopen.

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

A. All persons shall continue to avoid congregating in groups of 10 or more and shall maintain social distancing of at least 6 feet from other persons not in their group.

B. The following facial covering 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 facial coverings are worn; facial coverings are in addition to, and not a substitute for, appropriate social distancing. The facial covering requirements of previous City of Key West Directives remain in effect and are supplemented with the following:

1. Persons for whom Facial Coverings are Required. Except as stated in Section B.2 immediately below, facial coverings must be worn by the following persons:

- i. All persons in a business establishment of any type operating within the City of Key West;
- ii. Any person expressly required to wear a face covering by any Executive Order of the Governor or any City of Key West Emergency Directive;

2. Persons for whom Facial Coverings are Not Required. The following persons are not required to wear facial coverings:

- i. Children under the age of two (2) should not wear a facial covering, and any child while under the custody of a licensed childcare facility, including daycare centers, is not required to wear a facial covering;

- ii. 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;
- iii. Persons subject to an express exception in an applicable Executive Order of the Governor or a City of Key West Emergency Directive, solely while engaging in the excepted activity (such as during consumption in a restaurant as specified in City Directive 2020-07, as amended).

3. Facial coverings shall cover 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. The intent of such covering is to protect the health of the wearer and those around him/her, and in no way to conceal their identity.

4. The provisions of this Emergency Directive shall serve as minimum standards, which must be adopted by all establishments as a condition precedent to operating.

C. 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. Employers and Employees.

- 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. Customers, clients, guests and/or patrons.

- i. This sub-section shall only apply to the following establishments and/or businesses:
 - All restaurants and food establishments licensed under Chapters 500 or 509, Florida Statutes;
 - Those individuals, businesses, or establishments allowed to commence operations pursuant to City of Key West Emergency Directives 20-09 (Personal Services), 20-11 (Charter Vessels), 20-12 (Gyms and Fitness Centers); and

- Beginning 7 days from the date of this Directive, every motel, hotel, bed and breakfast inn, and any other transient public lodging establishment containing more than one individual unit, shall take the temperature of every guest upon check-in.
- ii. The businesses and/or establishments identified in Section C.2.i., above, shall take the temperature of every patron initially entering the premises. Any patron testing at or above 100.4 degrees Fahrenheit or who appears to have flu-like symptoms or other symptoms related to COVID-19 must be denied entry to the business.

D. 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.

E. 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 F. Any individual who violates this directive is also subject to the charges, fines and penalties in Section F.

F. 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.

G. 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.

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.

I. This Emergency Directive is effective June 1, 2020 at 12 a.m.

Signed 
Teri Johnston, Mayor, City of Key West

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

Date: 5/29/20

Date: 5.29.20

Time: 10:56 A.M

Time: 10:57 PM