

County of Monroe
The Florida Keys



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MONROE COUNTY EMERGENCY MANAGEMENT
EMERGENCY DIRECTIVE 02-08, First Amendment

May 9, 2020

**SUBJECT: MONROE COUNTY IMPLEMENTATION OF EXECUTIVE ORDER 20-112,
(PHASE 1: SAFE, SMART, STEP-BY-STEP PLAN FOR RECOVERY) and
EXECUTIVE ORDER 20-120 (EXPANDING PHASE 1).**

WHEREAS, on March 1, 2020, the Governor of Florida 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 COVID-19/novel Coronavirus in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19/novel Coronavirus; and

WHEREAS, on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic; and, on March 13, 2020, President Trump declared a national emergency concerning COVID-19; 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 15, 2020, the County Mayor declared a State of Emergency in order for the County to take actions to protect the health, safety, and welfare of the community due to the novel coronavirus, COVID-19 pandemic; and

WHEREAS, that declaration and Section 11-3 of the Monroe County Code vest the Emergency Management Director with the authority to issue emergency directives; and

WHEREAS, on March 16, 2020, President Trump and the Center for Disease Control and Prevention (CDC) issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures, such as maintaining a 6 foot separation between residents to slow the spread of infection and that events with more than ten attendees either be cancelled or held virtually; and

WHEREAS, on March 29, 2020, the President extended such guidance to be in effect until April 30, 2020; and

WHEREAS, on March 31, 2020, the President updated the guidance, renaming it “30 Days to Slow the Spread,” and along with the Coronavirus Task Force urged Americans to continue to adhere to the guidelines and expand community mitigation efforts; and

WHEREAS, on March 17, 2020, the Governor of Florida issued Executive Order 20-68, prohibiting the sale of alcoholic beverages at certain establishments and placing certain limitations on gathering for bars, restaurants, and beaches; and

WHEREAS, on March 20, 2020, the Emergency Management Director issued Emergency Directive 20-20 that closed the Florida Keys to all tourists and leisure visitors; and

WHEREAS, on March 23, 2020, the Governor of Florida issued Executive Order 20-80, requiring all individuals that fly into Florida from states with substantial community spread to self-isolate in Florida for 14 days or the duration of their trip, whichever is shorter; and

WHEREAS, on March 24, 2020, the Governor of Florida issued Executive Order 20-83, directing the Surgeon General and State Health Officer to issue a public health advisory to all persons over 65 years of age and to person with certain underlying conditions that place them at high risk of serious illness from COVID-19 to urge them to stay home and take measures to limit their exposure to COVID-10; and

WHEREAS, Executive Order 20-83 further directs the Surgeon General and State Health Office to issue a public health advisory against all social or recreational gatherings of 10 or more people; and

WHEREAS, on March 27, 2020, the Governor of Florida issued Executive Order 20-86, requiring all individuals that enter into Florida from states with substantial community spread to self-isolate in Florida for 14 days or the duration of their trip, whichever is shorter; and

WHEREAS, on March 27, 2020, the Governor of Florida issued Executive Order 20-87, suspending vacation rental operations in the state; and

WHEREAS, on March 30, 2020, the Governor of Florida issued Executive Order 20-89 directing Monroe, Miami-Dade, Broward, and Palm Beach Counties to restrict public access to nonessential businesses and facilities; and

WHEREAS, on April 1, 2020, the Governor of Florida issued Executive Order 20-91 requiring senior citizens and individuals with a significant underlying medical condition to stay at home and take all measures to limit the risk of exposure to COVID-19, and requiring all person in Florida to limit their movements and personal interactions outside their home to only those necessary to obtain or provide essential services or conduct essential activities; and

WHEREAS, Executive Order 20-91 also requires local jurisdictions to ensure that groups of people greater than ten are not permitted to congregate in any public space; and

WHEREAS, conditions presented by the threat of COVID-19 continue to pose a threat to the public health that requires dynamic emergency response, including the maintenance of existing orders, as well as the imposition of additional directives and orders as conditions require; and

WHEREAS, the CDC recently issued a Recommendation Regarding the Use of Cloth Face Coverings, Especially in Areas of Significant Community-Based Transmission. The recommendation

states in part: “We now know from recent studies that a significant portion of individuals with Coronavirus lack symptoms (“asymptomatic”) and that even those who eventually develop symptoms (“pre-symptomatic”) can transmit the virus to others before showing symptoms. This mean that the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms. In light of this new evidence, CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies) especially in areas of significant community-based transmission.”; and

WHEREAS, an increasing number of counties and municipalities throughout Florida and the United States have adopted versions of facial covering requirements, including the City of Key West (State of Local Emergency Directive 2020-05), Miami-Dade County (Emergency Order 19-20), and Alachua County (Emergency Order 20-13); and

WHEREAS, on April 29, 2020, Governor DeSantis issued Executive Order 20-112 which charted out Florida’s path to reopening; and

WHEREAS, Executive Order 20-112 includes mandates and recommendations that differ from Emergency Directive 20-05; and

WHEREAS, the Emergency Management Director rescinded Emergency Directive 20-05 and replaced it with Emergency Directive 20-08 in order to implement Executive Order 20-112; and

WHEREAS, on May 9, 2020, Governor DeSantis issued Executive Order 20-120, which authorized barbershops, cosmetology, special salons that adopt appropriate social distancing and precautionary measures as outlined by the Department of Business and Professional Regulation (DPBR), to open under limited circumstances; and

WHEREAS, it is necessary to amend Emergency Directive 20-08 to permit barbershops, cosmetology salons, and cosmetology specialty salons to open under the limits established by DPBR.

NOW THEREFORE IT IS ORDERED THAT:

1. Monroe County Emergency Directive 20-08 is amended as set forth herein.
2. All businesses not closed by Executive Order 20-112 shall deploy strategies to reduce COVID-19 exposure for their customers and employees including, at a minimum, the following measures effective at 12:01 a.m. on May 4, 2020:
 - a. Occupancy limits:
 - a. For **non-essential businesses** that were closed pursuant to Executive Order 20-91, the business may open but must limit indoor capacity and monitor entrances and exits to reduce their maximum **occupancy to no more than 25%** of their building occupancy. Businesses that have multiple entrances and exits shall establish a protocol of entrance only and exit only points.
 - b. For **essential businesses** that were permitted to remain open under Executive Order 20-91, the business may continue to operate as before including limiting indoor capacity and monitor entrances and exits to reduce their maximum **occupancy to no more than 50%** of their building occupancy. Businesses that have multiple entrances and exits shall establish a protocol of entrance only and exit only points.

- b. Provide alcohol-based hand sanitizers for use by customers and employees, subject to availability of supplies.
 - c. Provide disinfecting wipes at points of entrance, cash registers, and/or other appropriate locations, subject to availability of supplies, for customers to disinfect carts, shopping baskets, or point of sale terminals. In the alternative, businesses shall designate staff responsible for disinfecting carts, shopping baskets, point of sale terminals, and other areas as frequently as possible.
 - d. Implement procedures to ensure that both employees and customers remain at least six feet apart whenever possible. Such procedures shall include, but are not limited to, marking floors at appropriate intervals to guide lines inside and outside of the business, or providing other visible systems to allow a person to maintain proper social distancing.
 - e. All salad bars and other self-serve food stations must close.
 - f. There shall be no distribution of free samples or conducting tastings.
 - g. Implement procedures for custodial/janitorial staff to sanitize frequent touchpoints throughout the day, including point of sale terminals at registers, conveyor belts, door handles, door plates, shelves, tables and chairs, and other appropriate locations.
 - h. Comply with the additional requirements and guidelines with respect to the use of personal protective equipment, as set forth below in Section 4.
 - i. Employees and patrons must wear masks at all times.
3. Additional rules specific to restaurants and food establishments licensed under Chapter or 509, Florida Statutes.
- a. Indoor seating is limited to no more than 25% of the building occupancy.
 - b. Outdoor seating at restaurants and food establishments shall comply with appropriate social distancing and maintain a minimum 6 feet between parties, only seating parties of 10 or fewer people and keeping bar counters closed to seating.
 - c. All salad bars and other self-serve food stations must be closed.
 - d. Restaurants must implement procedures for staff to thoroughly sanitize tables, chairs, and table items (salt and pepper shakers, sugar dispensers, etc.) during each turnover after a customer.
 - e. Restaurant employees must take reasonable measures to disinfect each menu after each use. Alternatively, the restaurant may use menus that must be disposed after each customer.
 - f. There shall be no seating or eating at any bar section of the restaurant.
 - g. Employees must wear masks at all times but patrons may remove masks while eating and drinking.
4. The following businesses must remain closed pursuant to Executive 20-112 until that order is modified or rescinded. However, the retail sales of goods component of such a business may open under the restrictions set forth in paragraph 1.
- a. Bars and nightclubs
 - b. Gyms, yoga, dance and fitness studios.
5. Businesses performing personal care services such as barbershops, salons, nail salons, and massage studios may open with 25% capacity under the following conditions:
- a. Mandatory rules
 - i. All customers will be by appointment only.
 - ii. There shall be a minimum of 15 minutes between the conclusion of an

appointment and the beginning of the next appointment for proper disinfecting practices.

- iii. No group appointments are permitted.
- iv. Masks must be worn by all employees while performing personal services.
- v. Customers must wear masks except to the extent a mask unreasonably interferes with the provision of professional services.

b. Suggested guidelines.

- i. Thoroughly clean and disinfect prior to reopening. Make sure to disinfect all surfaces, tools and linens, even if they were cleaned before the business originally closed. This type of cleaning should continue between each day of operation.
- ii. Remove all unnecessary, frequently touched items like magazines, newspapers, service menus and any other unnecessary paper products and décor from customer service areas.

6. Covering of Nose and Mouth. Except as provided herein, effective at 12:01 a.m. on May 4, 2020:

- a. Except as provided for in paragraph 3g, all employees and customers of businesses shall be required to wear a form of covering over their nose and mouth at all times while inside such business. All individuals providing delivery services shall wear a form of covering over their nose and mouth while making deliveries.
- b. A covering over the nose and mouth may include a face mask, homemade mask, or other cloth covering, such as a scarf, bandana, handkerchief or other similar cloth covering.
- c. In addition to the requirements applicable to the business identified in subparagraph a above, all businesses are strongly encouraged to wear a form of covering over the nose and mouth as described above.
- d. All businesses are strongly encouraged to implement other appropriate policies that follow the CDC's Interim Guidance for Business and Employers to Plan and Respond to Coronavirus Disease 2019 and other available industry-specific guidance to protect employees and prevent workplace infections.
- e. The requirements of this Section shall not apply to any outdoor activity permitted under any applicable government order, except as provided herein with respect to persons providing delivery services.
- f. Nothing herein shall operate to restrict any employee or customer from accessing any retail or commercial establishment to address any emergency or other exigent circumstance.
- g. Medical and surgical face masks, such as "N95" 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 face masks.

7. Any person who has been diagnosed, or is reasonably believed to have been infected, with COVID-19 shall separate themselves from all individuals who are not infected to prevent the possible spread of the disease. Such individuals shall continue to isolate themselves until a health care professional and the state or local Department of Health notifies the individual that he or she are not longer subject to isolation.

8. **Vulnerable Populations.** Individuals older than 65 years of age and individuals with a serious underlying medical condition (such as chronic lung disease, moderate-to-severe asthma, serious

heart conditions, immune-compromised status, cancer, diabetes, severe obesity, renal failure, liver disease) should continue to stay at home. When leaving home, these individuals should follow social distancing and other general mitigation guidance. Those living with vulnerable individuals should be aware of the exposure risk that they could carry the virus back home after returning to work or other environments where distancing is not practiced. Vulnerable populations should affirmatively inform their employer that they are a member of a vulnerable population so that their employer can plan accordingly.

9. This Directive does not affect or limit the operations of Monroe County, 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.
10. The provisions of this Directive shall serve as minimum standards.
11. Severability. Any provision(s) within this Emergency Directive that conflict(s) with any State or Federal law or constitution provision, or conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Emergency Directive, with the remainder of the Emergency Directive remaining intact and in full force and effect. To the extent application of some or all of the provisions of the Emergency Directive is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Emergency Directive.
12. Effective Date; Duration. This Directive shall be effective May 4, 2020 at 12:01 a.m.. This Directive shall expire upon the expiration of the existing State of Local Emergency, and shall otherwise continue as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent Emergency Order.
13. This Emergency Directive is in addition to the Executive Orders issued by Governor DeSantis and other state or federal agencies.
14. This directive shall apply countywide except in a municipality that has adopted a stricter measure.
15. Enforcement. Violations of this order may be investigated by the code compliance department for the local government with jurisdiction over the location of the property. Enforcement action may be taken by any state or local law enforcement officer.
16. Violations of this order may be prosecuted by pursuant to F.S. 252.50 with up to 60 days in jail and a maximum of \$500 fine per occurrence.
17. Prior emergency orders remain in force and effect unless modified or superseded.

Dated this 9th day of May, 2020 at 6:30 pm

Signed:


Shannon Weiner, Emergency Management Director

Approved as to form and legal sufficiency by:

Robert B. Shillinger, Jr.

Robert B. Shillinger

Monroe County Attorney