

**CITY OF ST. PETERSBURG, FLORIDA  
ORDER NO. 2020-07**

**AN ORDER OF THE MAYOR TAKING  
EMERGENCY ACTION TO RESPOND TO  
COVID-19 WITHIN THE CITY BY  
SUPERSEDING PREVIOUS CITY ORDERS,  
PROVIDING NOTICE OF APPLICABLE  
STATE AND COUNTY ORDERS, AND  
SUSPENDING CERTAIN CITY PERMITS.**

**THE FOLLOWING ORDER** is hereby issued by Rick Kriseman, in his capacity as Mayor of the City of St. Petersburg, Florida (the “City”):

**SECTION 1—FINDINGS:** I hereby make the following findings in support of this emergency order:

- (a) According to the Centers for Disease Control (the “**CDC**”), Novel Coronavirus Disease 2019 (“**COVID-19**”) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza.
- (b) On March 9, 2020, pursuant to executive order 20-52, the Governor of the state of Florida declared a state of emergency throughout the state for the purpose of responding to COVID-19.
- (c) On March 12, 2020, pursuant to Florida Statutes section 252.38 and St. Petersburg City Code chapter 2, article VIII, division 2 (collectively, the “**Emergency Code**”), I issued executive order 2020-01 which contained a proclamation declaring a seven-day state of local emergency in the City for the purpose of responding to COVID-19. That state of local emergency for the City has been extended in seven-day increments by subsequent proclamations (most recently City EO 2020-06), and it remains in effect at this time (collectively, the “**Emergency**”).
- (d) On March 13, 2020, the Pinellas County Board of Commissioners (“**BCC**”) adopted resolution 20-16 to declare a seven-day state of emergency in Pinellas County, Florida, (the “**County**”) for the purpose of responding to COVID-19. That countywide state of emergency has been extended in seven-day increments by subsequent resolutions (most recently BCC resolution 20-19), and it remains in effect at this time.
- (e) Based on reports from the Florida Department of Health and the guidance of other public health officials, it is expected that the number COVID-19 cases and deaths in the Tampa

Bay area will continue to rise, and the City could experience a widespread outbreak of COVID-19.

- (f) Guidance issued by the CDC states that COVID-19 is thought to be spread mainly from person-to-person through close contact between people (i.e., within about six feet) and that the best way to prevent an outbreak of COVID-19 is to put distance between people in a community. A variety of emergency actions have been taken on the state and local level to implement that guidance.
- (g) On March 17, 2020, the Governor issued Executive Order 20-68 to institute regulations concerning bars, pubs, and nightclubs; beaches; and restaurants. And on March 20, 2020, the Governor issued Executive Order 20-71 for the purpose supplementing and expanding regulations with respect to alcohol sales, restaurants and bars, and gyms and fitness centers. For purposes of this order, the term “**State Order**” refers to any provision of those two executive orders or any subsequent executive order that is issued by the Governor or by any other state official or entity for purpose of responding to COVID-19 and that applies within the City.
- (h) On March 19, 2020, in response to reports of large gatherings occurring on public beaches throughout the state, BCC adopted resolution 20-17, closing public beaches within the County and public beach parking.
- (i) On March 25, 2020, BCC adopted resolution 20-20, the “COVID-19 Safer at Home Order” to institute a variety of measures to attempt to prevent widespread outbreak of COVID-19 within the County. These measures include (i) individual requirements to maintain CDC social-distancing guidelines and limit non-essential activity; (ii) closure of certain places of public assembly; (iii) requirements concerning public and private gatherings; and (iv) limits on business operations in the County.
- (j) For purpose of this order, the term “**County Order**” refers to BCC resolutions 20-17 and 20-20 and to any other resolution, order, or similar document that is adopted or promulgated by BCC or by any other County official or entity authorized to take emergency action for purpose of responding to COVID-19 and that applies within the City.
- (k) Pursuant to the police powers granted to the City by the Florida Constitution and Florida Statutes chapter 166 and the emergency powers granted by Florida Statutes section 252.38 and the Emergency Code, the Mayor is authorized to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community during the Emergency and to invoke certain general and specific emergency powers during the Emergency.

- (l) Accordingly, I instituted a variety of emergency regulations to respond to COVID-19 within the City on March 16, 2020, through executive order 2020-03, and on March 19, 2020, through executive order 2020-04 (collectively, the “**Previous City Orders**”).
- (m) The emergency regulations imposed by the State Orders and County Orders described above impose emergency regulations that are similar and duplicative to emergency regulations imposed by the Previous City Orders. Accordingly, the Previous City Orders should be superseded by a new City order that complements the existing State Orders and County Orders.
- (n) This new City order will defer to the State Orders and County Orders with respect to the matters regulated in those orders. But if the regulations imposed by the State Orders and County Orders prove insufficient to limit the spread of COVID-19 within the City, it will become necessary to protect the public interest to take emergency action within the City that goes further than the State Orders and County Orders.
- (o) Prior to the Emergency, the City issued a variety of permits to allow businesses to operate sidewalk cafes and to operate during extended hours. The activities allowed pursuant to these permits are inconsistent with the limits on individuals and businesses imposed by the State Orders and County Orders. Accordingly, it is necessary to protect the public interest to suspend these permits for the duration of the Emergency.
- (p) Prior to the Emergency, the City issued a variety of permits to allow individuals to engage in door-to-door canvassing, solicitation, or peddling activities. The activities allowed pursuant to these permits are inconsistent with public health guidance and with limits on individuals and businesses imposed by the County Orders. Accordingly, it is necessary to protect the public interest to suspend these permits for the duration of the Emergency.
- (q) Because COVID-19 poses an unprecedented threat to the public health, safety, and welfare, there is a compelling governmental interest in reducing the spread of COVID-19 within the City, and the actions taken by this order are necessary to achieve that purpose and have been narrowly tailored to achieve that purpose.
- (r) Because the suspension of these permits is necessary only until the threat of a widespread outbreak of COVID-19 within the City has passed, such suspensions will be temporary in nature and will not be continuous or continuously recurring.
- (s) This order is made in consideration of these findings, and the procedure used to make the order is fair under the circumstances.

**SECTION 2—RELATION TO OTHER EMERGENCY ORDERS:**

- (a) This order does not supersede any State Order, and it is intended to complement and be carried out in conjunction with each such State Order. Accordingly, this order does not authorize any person to take any act prohibited by a State Order, including, for example, the sale of alcohol for on-premises consumption, the sale of food for on-premises consumption (either inside or outside a structure), or the operation of a gym or fitness center in a manner currently prohibited by a State Order. Additionally, this order serves as notice that, pursuant to Florida Statutes section 252.50, violation of a State Order is punishable as a misdemeanor of the second degree.
- (b) This order does not supersede any County Order, and it is intended to complement and be carried out in conjunction with each such County Order. Accordingly, this order does not authorize any person to take any act prohibited by a County Order, including, for example, the prohibition in BCC resolution 20-17 on visiting a County public beach or any regulation in BCC resolution 20-20 regarding (i) individual requirements to maintain CDC social-distancing guidelines and limit non-essential activity; (ii) closure of certain places of public assembly; (iii) requirements concerning public and private gatherings; and (iv) limits on business operations in the County. Additionally, this order serves as notice that, pursuant to Florida Statutes section 252.50, violation of a County Order is punishable as a misdemeanor of the second degree.
- (c) This order supersedes the Preceding City Orders in full, and the Preceding City Orders are hereby terminated.

**SECTION 3—SUSPENSION OF CERTAIN CITY PERMITS:** Certain City-issued permits are suspended during the duration of the Emergency in accordance with this section 3, and any person claiming to operate pursuant to such a suspended permit commits a violation of this order. Such a violation is punishable as described in section 4 and may result in suspension, revocation, or non-renewal of the applicable permit following the Emergency.

- (a) Any sidewalk café permit issued pursuant to City Code section 16.70.030.1.7 is hereby suspended for cause due to the Emergency. The permittee shall prevent any table, chair, canopy, awning, or other fixture or object related to the sidewalk café from being used to consume food or beverages, but the permittee is not required to remove any such fixture or object from the right-of-way.
- (b) Any extended hours permit issued pursuant to City Code section 3-8 is hereby suspended due to the Emergency.
- (c) Any door-to-door solicitation, canvassing, or peddling permit issued pursuant to City Code section 17-187, article V, is hereby suspended due to the Emergency.

- (d) Any procedure or formality required under City Code for notifying the holder of one of the permits described in this section of its suspension is hereby waived, and publication of this order pursuant to the Emergency Code is deemed notice of any suspension effectuated by this section.

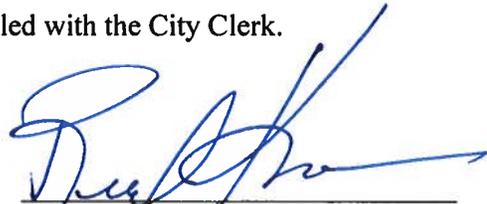
**SECTION 4—ENFORCEMENT:** Violation of this order is a municipal ordinance violation, and the provisions of City Code section 1-7 apply to any violation of this order. Additionally, violation of this order, which is made pursuant to Florida Statutes section 252.38, is punishable as a misdemeanor of the second degree pursuant to Florida Statutes section 252.50.

**SECTION 5—SEVERABILITY:** The provisions of this order are intended to be severable, and a determination that any portion of this order is invalid should not affect the validity of the remaining portions of this order.

**SECTION 6—DURATION OF ORDER:** Pursuant to City Code section 2-425(d)(3), this order goes into effect immediately and continues in effect until the first to occur of the following: (i) amendment or termination of this order pursuant to a subsequent order or (ii) expiration or earlier termination of the Emergency.

This order will have full force and effect of law when filed with the City Clerk.

Sign:

  
Rick Kriseman, Mayor



Filed with the City Clerk:

Sign: 

Name: Chan Srinivasa

Title: City Clerk

Date: March 26, 2020

Time: 4:07 P.M.