

CITY OF ST. PETERSBURG, FLORIDA
ORDER NO. 2020- 12

**AN ORDER OF THE MAYOR TAKING
EMERGENCY ACTION TO RESPOND TO
COVID-19 WITHIN THE CITY BY WAIV-
ING REQUIREMENTS CONCERNING
QUORUM AND LOCATION OF MEETINGS
OF CITY GOVERNMENT; CLOSING
PLACES OF PUBLIC ASSEMBLAGE TO IN-
PERSON ATTENDANCE BY THE PUBLIC
AT SUCH MEETINGS; AND WAIVING RE-
QUIREMENTS FOR IN-PERSON
SIGNATURE AND PROCESSING OF DOC-
UMENTS AND OTHER PUBLIC RECORDS.**

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 in City executive order 2020-10), 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 20-21), and it remains in effect at this time.

- (e) 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 implement “social distancing” measures to put distance between people in a community.
- (f) A variety of emergency actions have been taken at the State and County level to implement that CDC guidance by requiring individuals to stay at home unless engaging in an essential service or an essential activity, including Governor’s executive orders 20-91 and 20-92 and BCC resolutions 20-20 and 20-23. For purposes of this order, the term **“Safer at Home Order”** refers to any provision of those executive orders or resolutions or any subsequent executive order, resolution, or other emergency action taken by the Governor, BCC, or by any other State or County official or entity that limits travel within the City for the purpose of responding to COVID-19.
- (g) No Safer at Home Order in effect at this time explicitly designates a public meeting of a government body as an essential service or essential activity, and no guidance issued to date by the State or County with respect to any Safer at Home Order provides that such a public meeting is an essential service or essential activity.
- (h) On March 20, 2020, the Governor issued executive order 20-69 for the purpose of suspending any requirement of the Florida Statutes that requires a quorum of a government body to be present in person or that requires a local government body to meet at a specific public place. This order also authorizes a local government body to utilize communications media technology (such as telephonic and video conferencing) in accordance with Florida Statutes subsection 120.54(5)(b)2. But this order does not otherwise waive any requirement under the Florida Constitution or Florida’s “Government in the Sunshine Laws,” including Florida Statutes chapter 286.
- (i) Pursuant to the police powers granted by the Florida Constitution and Florida Statutes chapter 166 and the emergency powers granted by Florida Statutes section 252.38 and the Emergency Code, I am authorized as the Mayor to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community during the Emergency and to invoke certain emergency powers during the Emergency. This includes the general power to waive procedures and formalities that I invoked at the outset of the Emergency through executive order 2020-02 and the specific power to close places of public assemblage pursuant to City Code section 2-427(h).

- (j) Because the Governor’s executive order 20-69 waives only those requirements for in-person attendance that flow from the Florida Statutes, it is necessary to protect the public interest to waive certain requirements imposed by the City Charter, the City Code, and any applicable policy or procedure promulgated pursuant to the City Charter or City Code (each a “Local Requirement”).
- (k) It is necessary to protect the public interest to waive, subject to certain conditions, any Local Requirement that requires a quorum to be present in person at any meeting of the City government or that requires any such meeting to occur at a specific place. Such a waiver will allow public meetings to continue in a manner consistent with applicable Safer at Home Orders and will limit the spread of COVID-19 within the City.
- (l) It is also necessary to protect the public interest to close places of public assemblage to in-person attendance at any meeting of the City government if attendance can be accomplished through communications media technology as described in the Governor’s executive order 20-69. Such closure will allow the public to attend meetings of the City government in a manner consistent with applicable Safer at Home Orders and will limit the spread of COVID-19 within the City.
- (m) Providing members of the government body and members of the public access to a meeting of the City government through the same communications media technology does not limit the right of the public to access that meeting.
- (n) It is also necessary to protect the public interest to waive any Local Requirement that requires any member of City staff or the public to *physically* sign, mark, or otherwise process any document or other public record if a reasonably equivalent *electronic* substitute is used instead. Such waiver will allow City business to continue in a manner consistent with applicable Safer at Home Orders and will limit the spread of COVID-19 within the City.
- (o) I have consulted with the Chair of City Council about the emergency actions I am taking through this order, and he supports these emergency actions.
- (p) 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.
- (q) Because suspension of in-person attendance at meetings of the City government is necessary only until the threat of a widespread outbreak of COVID-19 within the City has passed, such suspension will be temporary in nature and will not be continuous or continuously recurring.

- (r) 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 ACTIONS:

- (a) This order is intended to complement and be carried out in conjunction with any Safer at Home Order and with Governor’s executive order 20-69.
- (b) This order is not intended to supersede or terminate any preceding emergency action taken by me for purpose of responding to COVID-19 and is intended to be carried out in conjunction with all such emergency actions that remain in effect.

SECTION 3—QUORUM AND LOCATION OF MEETINGS: I hereby waive any Local Requirement that requires that a quorum at any meeting of the City government be present in person or that any such meeting occur at a specific place if the following conditions are met: (i) quorum is achieved through communications media technology in accordance with section 5 and (ii) notice of the meeting is provided to the public in accordance with section 6.

SECTION 4—PUBLIC ATTENDANCE AT MEETINGS: I hereby close places of public assemblage to in-person attendance by the public at any meeting of the City government if the following conditions are met: (i) public attendance can be achieved through communications media technology in accordance with section 5 and (ii) notice of the meeting is provided to the public in accordance with section 6.

SECTION 5—COMMUNICATIONS MEDIA TECHNOLOGY: With respect to the communications media technology used to achieve quorum at any meeting of the City government in accordance with section 3 or to allow public attendance in accordance with section 4, the following requirements apply:

- (a) As a general matter, the communications media technology must satisfy all applicable requirements of the following: (i) the Florida Constitution; (ii) Florida’s “Government in the Sunshine Laws,” including Florida Statutes chapter 286; and (iii) Florida Statutes subsection 120.54(5)(b)2.
- (b) Members of the government body shall give equal consideration to all evidence, testimony, and argument presented during the meeting regardless of the method of communication.
- (c) The communications media technology must provide free options for the public to access the meeting.
- (d) The communications media technology is available to all members of the public who wish to attend.

- (e) The communications media technology must provide alternate means of attendance participation for members of the public. For example, if the communications media technology offers videoconferencing, it must also allow telephonic access for those who lack internet access.
- (f) The communications media technology must allow the public to observe all communication among members of the body..
- (g) The public must be allowed to submit comments in advance of the meeting and through the communications media technology during the meeting.
- (h) If a roll call vote is taken, the public must be informed of how each member of the body voted through all channels of the communications media technology utilized for the meeting (e.g., if videoconferencing and telephonic access is used, the results cannot be displayed only through the videoconferencing).
- (i) If at any point during a meeting the City has actual knowledge that the communications media technology in use fails to comply with any requirement of this section 5, the meeting must be suspended until compliance is restored.
- (j) If at any point during a public hearing, any party to or participant in the hearing has a problem with communications media technology, the hearing must be paused until that problem is resolved. If the problem cannot be resolved at that time, the City's right to continue any hearing taking place during a meeting includes the right to continue a hearing due to a problem with communications media technology.

SECTION 6—PUBLIC NOTICE: With respect to any meeting of the City government at which quorum is achieved in accordance with section 3 or public attendance is achieved in accordance with section 4, the following requirements apply to the notice of that meeting provided to the public:

- (a) As a general matter, the notice must satisfy all applicable requirements of the following: (i) the Florida Constitution; (ii) Florida's "Government in the Sunshine Laws," including Florida Statutes chapter 286; and (iii) Florida Statutes subsection 120.54(5)(b)2.
- (b) The notice must provide all information needed for a member of the public to attend or participate in the meeting through communications media technology.
- (c) The notice must provide a mailing address and telephone number where an interested person can write or call for additional information. The notice may also provide an email address for that purpose.

- (d) The notice must provide a mailing address and telephone number for a designated member of City staff to whom a person may submit written or other physical evidence that he or she intends to offer into evidence during the meeting. The notice may also provide an email address for that purpose. If the procedure for submitting such evidence differs from the procedure used normally, the notice should provide notice of that difference.

SECTION 7—SCHEDULING OF MEETINGS: Nothing in this order is intended to preempt the authority of City Council or the Administration to determine when any meeting of the City government is held. Accordingly, if it is necessary or appropriate to protect the public interest to delay such a meeting until after the Emergency, nothing in this order is intended to prevent such a delay.

SECTION 8—PROCESSING OF DOCUMENTS AND PUBLIC RECORDS: I hereby waive any Local Requirement that requires any person to *physically* sign, mark, or otherwise process any document or other public record if a reasonably equivalent *electronic* substitute is used instead. For example, a requirement that a document be date-stamped could be achieved through email dating or document metadata.

SECTION 9—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 10—DURATION: 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 is intended to be retroactive nature and apply to the entire duration of the Emergency to the extent permitted by law.

[SIGNATURE PAGE FOLLOWS]

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: April 9, 2020

Time: 3:59 P.M.