

CITY OF ST. PETERSBURG, FLORIDA
ORDER NO. 2020-16

**AN ORDER OF THE MAYOR TAKING
EMERGENCY ACTION TO RESPOND TO
COVID-19 WITHIN THE CITY BY ENDING
THE SUSPENSION OF SIDEWALK CAFÉ
PERMITS SUBJECT TO CERTAIN CONDI-
TIONS.**

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 2020-15), and it remains in effect at this time (collectively, the “**Emergency**”).
- (d) 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.
- (e) The Governor has issued a variety of executive orders to implement those social-distancing measures throughout Florida, including executive order 20-68 (instituting regulations concerning bars, pubs, and nightclubs; beaches; and restaurants); executive order 20-71

(supplementing and expanding regulations with respect to alcohol sales, restaurants and bars, and gyms and fitness centers); and executive orders 20-91 and 20-92 (directing all people in Florida to limit movement and personal interaction outside the home to those necessary to obtain or provide essential services or conduct essential activities).

- (f) 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 Mayor of the City to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community during the Emergency.
- (g) Pursuant to that authority, I have issued a variety of orders to take emergency actions in the City related to COVID-19, including order 2020-07 (the “**Permit Suspension Order**”), which was filed with the City Clerk on March 26, 2020, for the purpose of conforming the City’s emergency actions with a variety of State and County regulations in effect at that time. One of the actions taken by the Permit Suspension Order was the temporary suspension of City sidewalk café permits for cause because the activities authorized by those permits were inconsistent with the State and County emergency orders in effect at that time.
- (h) On April 29, 2020, the Governor issued executive order 20-112 to implement phase 1 of the “Safe. Smart. Step-by-Step. Plan for Florida’s Recovery” (the “**Phase 1 Order**”). The Phase 1 Order will go into effect on May 4, 2020, at 12:01 AM, and will relax a variety of social-distancing measures implemented in previous executive orders of the Governor, including some of those identified above. The Phase 1 Order is intended to “promote business operation and economic recovery while maintaining a focus on core safety principles.”
- (i) Accordingly, section 3(B) of the Phase 1 Order allows certain restaurants and food establishments to resume service of food and beverage for on-premises consumption under certain conditions, including the use of outdoor seating if the following social distancing measures are followed: (i) maintaining a minimum of 6 feet between parties, (ii) only seating parties of 10 or fewer people, and (iii) keeping bar counters closed to seating.
- (j) Allowing those restaurants and food establishments to resume the service of food and beverage in outdoor seating areas will promote economic recovery in a manner that is consistent with public health. Accordingly, ending the temporary suspension of City sidewalk café permits pursuant to the Permit Suspension Order so that sidewalk café operations may resume in a manner consistent with the Phase 1 Order is necessary and appropriate to protect the public interest.
- (k) 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 the Phase 1 Order and with any other order that is issued by the Governor or by any other state official or entity for purpose of responding to COVID-19 and that is effective within the City (each a “**State Order**”).
- (b) This order is intended to complement and be carried out in conjunction with any resolution, order, or similar document that is adopted or promulgated by Pinellas County, Florida, Board of County Commissioners or by any other County official or entity authorized to take emergency action for purpose of responding to COVID-19 and that is effective within the City.
- (c) This order supersedes section 3(a) of the Permit Suspension Order as more particularly described in section 4 of this order. Otherwise, this order does not supersede or terminate any other emergency action taken by me for purpose of responding to COVID-19. Accordingly:
 - (i) Any extended hours permit issued pursuant to City Code section 3-8 remains suspended pursuant to section 3(b) of the Permit Suspension Order.
 - (ii) Any door-to-door solicitation, canvassing, or peddling permit issued pursuant to City Code section 17-187, article V, remains suspended pursuant to section 3(c) of the Permit Suspension Order.

SECTION 3—SUSPENSION CONTINUES UNTIL PHASE 1 ORDER IS EFFECTIVE: Until the Phase 1 Order goes into effect on May 4, 2020 at 12:01 AM, the temporary suspension of sidewalk café permits enacted by section 3(a) of the Permit Suspension Order remains in effect. Accordingly, the permittee may continue to maintain any table, chair, canopy, awning, or other fixture or object related to the sidewalk café in the area of the right-of-way authorized by the applicable site plan, but the permittee shall prevent such fixture or object from being used to consume food or beverages.

SECTION 4—CONDITIONAL END TO SUSPENSION ONCE PHASE 1 ORDER IS EFFECTIVE: Once the Phase 1 Order goes into effect on May 4, 2020 at 12:01 AM, the temporary suspension of sidewalk café permits enacted by section 3(a) of the Permit Suspension Order is ended subject to the following conditions:

- (a) This order serves as notice that, pursuant to Florida Statutes section 252.50, violation of any provision of any State Order is punishable as a misdemeanor of the second degree, including the social-distancing measures required by Phase 1 Order section 3(B) for outdoor seating areas.

- (b) The permittee may deviate from the site plan approved for the sidewalk café permit as necessary to comply with applicable provisions of the Phase 1 Order.
- (c) Subsection (b) does not authorize any expansion or modification of the boundary depicted in the applicable site plan unless authorized in writing pursuant to the process previously established under City Code and City policy for that purpose. Additionally, subsection (b) does not waive any of the following (i) any other condition of the sidewalk café permit or (ii) any other requirement of applicable law, including those concerning pedestrian traffic or fire safety.

SECTION 5—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 6—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 7—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.

[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: May 1, 2020
Time: 3:45 p.m.