

CITY OF ST. PETERSBURG, FLORIDA
EXECUTIVE ORDER NO. 2020- 30

AN ORDER OF THE MAYOR TAKING EMERGENCY ACTION TO RESPOND TO COVID-19 WITHIN THE CITY BY SUPERSEDING EXECUTIVE ORDER 2020-12; WAIVING 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, SUBJECT TO CERTAIN CONDITIONS; PROVIDING AUTHORITY TO ADDRESS DISRUPTION OF SUCH MEETINGS; AND WAIVING REQUIREMENTS FOR IN-PERSON SIGNATURE AND PROCESSING OF DOCUMENTS 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 the emergency actions taken by this 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. That Statewide emergency has been extended by subsequent order of the Governor (specifically, executive order 20-114), and it remains in effect at this time. For purposes of this order, “**State Order**” means any executive order or similar directive issued by the Governor or by any other state official or entity for the purpose of responding to COVID-19 and that is effective within the City.

- (c) 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, and it remains in effect at this time. For purposes of this order, “**County Order**” means any ordinance, resolution, order, or similar document that has been or will be adopted or promulgated by BCC or by any other County official or entity authorized to take emergency action for the purpose of responding to COVID-19 and that is effective within the City.
- (d) On March 12, 2020, pursuant to Florida Statutes section 252.38 and St. Petersburg City Code chapter 2, article VIII, division 2 (with respect to that division, 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 for consecutive seven-day periods by subsequent proclamations (most recently in Mayor’s executive order 2020-29), and it remains in effect at this time (collectively, the “**Emergency**”).
- (e) For the reasons described in these findings and in the findings made in the most recent executive order extending the Emergency (which are hereby incorporated by reference), COVID-19 continues to pose an immediate danger to the public health, safety, and welfare of the City that requires emergency action.
- (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 the Mayor to utilize City resources to cope with the Emergency, close places of public assemblage, waive procedures and formalities, and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community during the Emergency.
- (g) For purposes of this order, “**City Order**” means any executive order or similar directive issued by me pursuant to the authority described in the preceding finding for the purpose of responding to COVID-19, including this order.
- (h) 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.
- (i) On March 20, 2020, the Governor issued executive order 20-69 (as it may be amended, superseded, or extended from time-to-time, the “**State Meeting Order**”) 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. The State Meeting 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. The State Meeting Order has been extended by subsequent executive orders of the Governor (most recently executive order 20-150), and currently runs through August 1, 2020.

- (j) Because the State Meeting Order waived only those requirements for in-person attendance that flow from the Florida Statutes, it was 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) Accordingly, on April 9, 2020, I issued executive order 2020-12 (the "**Initial City Meeting Order**") 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 waiver allowed public meetings to continue in a manner that helped limit the spread of COVID-19 within the City.
- (l) The Initial City Meeting Order also closed places of public assemblage to in-person attendance at any meeting of the City government if attendance could be accomplished through communications media technology as described in the State Meeting Order. Such closure allowed the public to attend meetings of the City government in a manner that helped limit the spread of COVID-19 within the City and was supported by a finding that 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.
- (m) The Initial City Meeting Order also waived 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 allowed City business to continue in a manner that helped limit the spread of COVID-19 within the City.
- (n) Since the issuance of the Initial City Meeting Order, the St. Petersburg City Council has held numerous meetings through communications media technology, and the public has accessed and participated in those meetings using communications media technology.

- (o) On June 11, 2020, a meeting of the City Council held using communications media technology was disrupted by individuals who used that communications media technology to anonymously spew hateful rhetoric during a public comment period—including racial slurs and threats of violence. This disruption led the Chair of City Council to defer action on all items on the agenda, delaying business of the City that was important to the public health, safety, and welfare.
- (p) To prevent such disruptions from delaying business of the City that is important to the public health, safety, and welfare, the chair of a meeting of City government should have authority to address disruptive violations of the rules of decorum such as the one described in the preceding finding. Such authority should allow the chair to restrict the public’s use of communication media technology to the extent necessary to allow the meeting to proceed without further disruption as long as (i) one or more alternate methods of public participation are established and (ii) the public notice for the meeting has disclosed the potential exercise of that authority.
- (q) The Initial City Meeting Order required that a public hearing held using communications media technology be paused if a participant in the hearing had difficulty with communications media technology. That provision should be revised to clarify that the requirement to pause a meeting was intended to apply only when a *party* to the matter at hand has such difficulty. Otherwise, if a person experiencing difficulty is *not* a party to the matter, the City should be required only to use reasonable efforts to allow resolution of the difficulty. This change would reflect the intent of Initial City Meeting Order to protect the interest of a party to fully participate in a hearing and clarify that technical difficulty experienced by a non-party should not prevent the conduct and resolution of a hearing.
- (r) Accordingly, it is necessary to protect the public interest to supersede the Initial City Meeting Order to make the changes described in the preceding two findings. Otherwise, it remains necessary to protect the public interest to restate the emergency actions taken by the Initial City Meeting Order except as needed to make changes for purposes of clarity and as needed to reflect the current state of the Emergency.
- (s) 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 emergency actions taken by this order are necessary to achieve that purpose and have been narrowly tailored to achieve that purpose.
- (t) Because the emergency actions taken by this order will be necessary only until the threat of a widespread outbreak of COVID-19 within the City has passed, such emergency actions will be temporary in nature and will not be continuous or continuously recurring.

- (u) This order has been made in consideration of the information described in these findings. Accordingly, the procedure used to make this 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 all applicable State Orders (including the State Meeting Order) and all applicable County Orders.
- (b) This order supersedes the Initial City Meeting Order in full for the purpose of amending and restating the emergency actions taken by the Initial City Meeting Order. Otherwise, this order is not intended to supersede or terminate any preceding City Order, and it is intended to be carried out in conjunction with all City Orders currently in effect. To the extent this order conflicts with any previous City Order, this order controls.

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 7.

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 7.

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 must be available to all members of the public who wish to attend.
- (e) The communications media technology must provide alternate means of attendance and 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, subject to limits that may be imposed pursuant to section 6.
- (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 a member of the public has a problem with communications media technology that prevents that person from participating in a public hearing, that problem must be handled as follows:
 - (i) If the person is a party to the matter being heard, 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.
 - (ii) Otherwise, the City must use reasonable efforts to allow that person to resolve the problem in a manner that allows the person to participate (e.g., providing a dial-in number for a person who has an outdated version of the communications media technology). But the City is not required to delay, pause, or continue the hearing to allow that person to participate.

SECTION 6—DISRUPTION: If a member of the public violates the rules of decorum through communications media technology in a manner that disrupts the meeting, the chair of the meeting may address that disruption in accordance with the following:

- (a) To prevent further disruption, the chair may (i) restrict the public’s use of the communication media technology to the extent necessary to allow the meeting to proceed without further disruption and (ii) establish one or more alternate methods of public participation, including submission of all public comment via email.
- (b) The actions described in subsection section 5(a) may be taken only if the public notice for the meeting discloses that the use of communications media technology described in the notice may be limited in the event of disruption.
- (c) This section is not intended to establish any exception to any legal authority described in section 5(a), and any action taken pursuant to this section must comply with that legal authority.

SECTION 7—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 information needed for a member of the public to attend or participate in the meeting through communications media technology and should, if appropriate, provide the disclosure described in section 6(b).
- (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 8—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 9—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 10—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 11—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) a subsequent City Order amends, supersedes, or terminates this order or (ii) the Emergency expires or is terminated.

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: July 8, 2020
Time: 3:12 P.M.

