

**ORDER NO. 2020-04**

**AN ORDER OF THE MAYOR INITIATING CERTAIN EMERGENCY POWERS PURSUANT TO FLORIDA STATUTES CHAPTER 252 AND CITY CODE CHAPTER 2, ARTICLE VIII, DIVISION 2, FOR THE PURPOSE OF RESPONDING TO COVID-19 WITHIN THE CITY THROUGH CERTAIN CLOSURES OF PLACES OF PUBLIC ASSEMBLAGE AND THE REGULATION OF THE SALE AND DISPENSING OF ALCOHOLIC BEVERAGES.**

The following order is hereby issued by Rick Kriseman, in his capacity as Mayor of the City of St. Petersburg, Florida (the "City"):

1. **FINDINGS:** I hereby make the following findings in support of this emergency order:
  - (a) 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 Florida 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 state of local emergency in the City (the "**Emergency**") for the purpose of responding to COVID-19.
  - (d) As of March 19, 2020, at 9:00 PM, there were 328 cases of COVID-19 reported in the state of Florida and 12 cases reported in Pinellas County, Florida. Those numbers are expected to rise as access to testing expands throughout the state.
  - (e) Accordingly, COVID-19 continues to pose an immediate danger to the public health, safety, or welfare of the City that requires emergency action, and the Emergency should remain in effect.

- (f) Guidance issued by the Centers for Disease Control (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 infection by COVID-19 is to avoid being exposed to the virus by putting distance between people in a community.
- (g) On March 15, 2020, CDC issued updated guidance concerning large events and mass gatherings such as conferences, festivals, parades, concerts, sporting events, weddings, and other types of assemblies. Because these types of large, recreational or special events and mass gatherings frequently draw people from multiple communities, they can contribute to the spread of COVID-19. Accordingly, this CDC guidance recommends that organizers (whether groups or individuals) cancel or postpone such in-person events that consist of 50 people or more throughout the United States. This guidance also states that events of *any* size should be continued only if they can be carried out with adherence to guidelines for protecting vulnerable populations, hand hygiene, and social distancing.
- (h) Florida Statutes section 252.38(3)(a)5.a. authorizes the Mayor to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community during the Emergency. Additionally, the Emergency Code authorizes the Mayor to invoke certain general emergency powers during the Emergency, including closing places of public assemblage and limiting the sale of alcoholic beverages.
- (i) Accordingly, on March 16, 2020, pursuant to my authority under the Florida Statutes and the Emergency Code, I issued executive order 2020-03 (the “**Preceding City Order**”) to close certain places of public assemblage within the City to the types of large, recreational or special events and mass gatherings described by CDC; partially close certain places of public assemblage within the City by reducing the allowable occupancy of such places; and limit the hours in which alcohol may be sold for on-premises consumption within the City.
- (j) On March 17, 2020, the Governor issued Executive Order number 20-68 (the “**State Order**”) to institute COVID-19-related regulations concerning bars, pubs, and nightclubs; beaches; and restaurants.
- (k) In order to conform the emergency measures previously instituted within the City to the emergency measures instituted across the state, it is appropriate to supersede the Preceding City Order with a new order that conforms to the State Order.
- (l) Closing places of public assemblage within the City to the types of large, recreational or special events and mass gatherings described by CDC will reduce the spread of COVID-19 within the City and remains necessary to protect the public interest. Accordingly, those

provisions of the Preceding City Order should be reissued without material alteration because the State Order does not regulate such large events and mass gatherings.

- (m) Rather than fully close certain places of public assemblage within the City, partially closing such places by reducing the allowable occupancy of those places will allow for the social distancing recommended by CDC. This will reduce the spread of COVID-19 within the City and remains necessary to protect the public interest. Accordingly, those provisions of the Preceding City Order should be reissued to conform to the State Order by excluding places of public assemblage regulated by the State Order.
- (n) Limiting the hours in which alcohol may be sold for on-premises consumption within the City to promote the social distancing recommended by CDC will reduce the spread of COVID-19 within the City and remains necessary to protect the public interest. Accordingly, those provisions of the Preceding Order should be reissued to conform to the State Order by excluding licensees regulated by the State Order.
- (o) There is a compelling governmental purpose in reducing the spread of COVID-19 within the City through actions taken in this order, and the actions authorized in this order have been narrowly tailored to achieve that purpose.
- (p) This order is made in consideration of these findings, and the procedure used to make the order is fair under the circumstances.

**2. RELATION TO PRECEDING CITY ORDER:** This order supersedes the Preceding City Order in full, and the Preceding City Order is terminated when this order goes into effect.

**3. PLACES OF PUBLIC ASSEMBLAGE, DEFINED:** For purposes of this order, the term “**place of public assemblage**” means any room, space, or other common area that is located within a structure or an outdoor venue that can accommodate multiple individuals in a single location, regardless of whether located on public or private property. But it does not apply to any location classified by the Florida Fire Prevention Code (“**FFPC**”) for the following types of occupancy: (i) educational; (ii) day care; (iii) health care; (iv) ambulatory health care; (v) detention and correctional; (vi) residential one- and two-family dwelling unit; or (vii) residential board and care.

**4. LARGE EVENTS AND MASS GATHERINGS:** Pursuant to Florida Statutes section 252.38(3)(a)5.a. and City Code section 2-427(h) the Mayor hereby establishes the following closure of places of public assemblage, subject to certain exceptions:

- (a) All places of public assemblage within the City are closed to in-person, recreational or special events and gatherings that consist of more than 50 people, including any concert, festival, conference, sporting event, parade, party, or wedding.

- (b) This does not apply to (i) the provision of designated, essential services, such as fire, police, or utility repair; (ii) the provision of medical services; or (iii) the day-to-day operation of businesses and other organizations.
- (c) This regulation goes into effect immediately and continues in effect until the first to occur of the following: (i) amendment or termination of this regulation pursuant to a subsequent order or (ii) expiration or earlier termination of the Emergency.

**5. REDUCED OCCUPANCY:** Pursuant to Florida Statutes section 252.38(3)(a)5.a. and City Code section 2-427(h) the Mayor hereby establishes the following partial closure of places of public assemblage, subject to certain exceptions:

- (a) For purposes of this section 5, the term “**standard capacity**” means the occupant load posted within a place of public assemblage pursuant to the FFPC or, in the absence of such a posted occupant load, the allowable occupant load determined by the City pursuant to FFPC for purposes of enforcing this order.
- (b) Occupancy of places of public assemblage used for the following purposes shall be limited to 50% of the standard capacity: (i) arena; (ii) amusement park; (iii) athletic field; (iv) auditorium; (v) bowling alley; (vi) club; (vii) concert hall; (viii) gym or fitness center; (ix) stadium; or (x) theater.
- (c) This does not apply to (i) the provision of designated, essential services, such as fire, police, or utility repair; (ii) the provision of medical services; or (iii) any place of public assemblage that is regulated by the State Order.
- (d) This regulation goes into effect immediately and continues in effect until the first to occur of the following: (i) amendment or termination of this regulation pursuant to a subsequent order or (ii) expiration or earlier termination of the Emergency.

**6. SALE OF ALCOHOL FOR ON-PREMISES CONSUMPTION:** Pursuant to City Code subsection 2-427(c) the Mayor hereby establishes the following regulation concerning the sale and dispensing of alcoholic beverages pursuant to a permit for on-premises consumption:

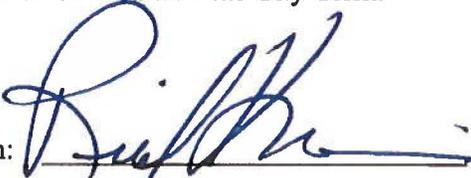
- (a) With respect to any licensee authorized to sell alcoholic beverages for consumption on premises that is not regulated by section 1 of the State Order, such licensee shall suspend all sale of alcoholic beverages no later than 9:00 pm each day.
- (b) This regulation goes into effect immediately and continues in effect until the first to occur of the following: (i) amendment or termination of this regulation pursuant to a subsequent order or (ii) expiration or earlier termination of the Emergency.

7. **ENFORCEMENT:** 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. Violation of this order is also a municipal ordinance violation, and the provisions of City Code section 1-7 apply to any violation of this order.

8. **MAYORAL AUTHORITY:** If the Mayor is absent, incapacitated, or otherwise unavailable during the Emergency, any power granted to the Mayor by this order may be exercised by the City officer or staff member acting in the capacity of Mayor pursuant to City Code section 2-425(b).

9. **DURATION OF AUTHORITY:** Pursuant to City Code section 2-425(d)(3), the emergency powers invoked by this order may be exercised only during the Emergency unless a longer time period is provided for by the Emergency Code.

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 Srinivas  
Title: City Clerk  
Date: 3/19/20  
Time: 10:45 AM