

County of Monroe
The Florida Keys



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MONROE COUNTY EMERGENCY MANAGEMENT

EMERGENCY DIRECTIVE 20-09

REOPENING KEYS TO TOURISM AS OF 6/1/2020

BY RESCINDING EMERGENCY DIRECTIVES 20-02, 20-03, 20-04, AND 20-07

May 26, 2020

WHEREAS, Section 252.38(3)(a), Florida Statutes, gives political subdivisions the authority to declare and enact a State of Local Emergency for a period of up to seven days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law; and

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19/novel Coronavirus in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19/novel Coronavirus; and

WHEREAS, on March 15, 2020, the County Mayor declared a State of Emergency for all of Monroe County in order for the County to take actions to protect the health, safety, and welfare of the community due to the novel coronavirus, COVID-19 pandemic; and

WHEREAS, COVID-19/novel Coronavirus poses a health risk to Monroe County residents and visitors, particularly the elderly and those who are immunosuppressed or otherwise have high-risk medical conditions; and

WHEREAS, the County Mayor's declaration of local emergency and Section 11-3 of the Monroe County Code vest the Emergency Management Director with the authority to issue emergency directives; and

WHEREAS, due the threat of COVID-19 to Monroe County, the Emergency Management Director issued the following emergency directives to protect the health, safety, and welfare of the residents of Monroe County:

- 1) Emergency Directive 20-02, which enacted a ban on tourism and leisure travel in Monroe County and which was amended twice;

- 2) Emergency Directive 20-03, which directed the Sheriff to erect a checkpoint at the County line to turn way non-residents who did not have legitimate business in the County, which was amended 7 times via an amended Exhibit A to that directive;
- 3) Emergency Directive 20-04, which expanded the screening of air passengers and crew arriving at Key West International Airport and Florida Keys Marathon International Airport and directed isolation for 14-days after arrival; and
- 4) Emergency Directive 20-07, which established restrictions limiting inbound passengers on Greyhound busses to County residents with physical addresses and directed health screenings and directed isolation for 14-days after arrival; and

WHEREAS, on March 27, 2020, the Governor banned vacation rentals throughout the State of Florida for a period of 14 days in Executive Order 20-87; that ban was extended to April 30, 2020, in Executive Order 20-103, and further extended to May 4, 2020 in Executive Order 20-111; and further extended indefinitely in Executive Order 20-112; and

WHEREAS, on May 18, 2020, the Governor modified the statewide vacation rental ban by imposing a requirement that such rentals could only re-open in a county upon a written request from that County's Administrator to the Department of Business and Professional Regulations (DBPR) Secretary, which contained a safety plan for vacation rental operations in Executive Order 20-123; and

WHEREAS, on May 23, 2020, DBPR Secretary Halsey Beshears approved Monroe County's vacation rental plan;

WHEREAS, according to the Monroe County Health Department Administrator, conditions have improved in Monroe County to the extent to which some restrictions can be lifted effective June 1, 2020 at 12:01 a.m.

THEREFORE, it is hereby:

ORDERED that

1. Emergency Directive 20-02, as amended (tourism ban), Emergency Directive 20-03, as amended (checkpoint), Emergency Directive 20-04 (airport screening local additional requirements), Emergency Directive 20-07 (greyhound bus passenger limits and screening requirements), are hereby rescinded effective June 1, 2020 at 12:01 a.m.
2. The Florida Keys are reopened to all tourists and leisure visitors under the conditions set forth in the Executive Orders issues by the Governor and several executive branch departments, as well as local Emergency Directive 20-08, as amended, until the current state of local emergency is lifted or this directive is rescinded or modified by subsequent order. Lodging establishments are encouraged to limit occupancy to 50 percent capacity through June 15, 2020.

3. **Additional state imposed safety requirements with respect to vacation rentals.**
The safety requirements imposed by Governor DeSantis in Executive Order 20-123 for lifting the statewide ban on vacation rentals, which are attached hereto and incorporated herein as Exhibit A, will sunset when the State imposed conditions of reopening sunset. Nothing herein shall relieve a vacation rental owner or agent from also complying with the relevant County or municipal comprehensive plan, land development regulations, or ordinances including but not limited to vacation rental ordinances.
4. Each municipality is authorized to enact its own emergency directive that is more restrictive than this directive and/or maintain any previously enacted directive that is more restrictive than this directive.
5. **Severability.** If any provision herein, or any portion thereof, is held to be invalid or unenforceable by any administrative hearing officer or court of competent jurisdiction, the invalidity or unenforceability of such provision, or any portion thereof, shall neither limit nor impair the operation, enforceability, or validity of any remaining portion(s) thereof, or of any other provision herein.
6. **Construction.** This Emergency Directive, being necessary for the health, safety, and welfare of the residents of the county, shall be liberally construed to effect the public purpose(s) hereof, and interpretation of this Article shall be deferred in favor of Monroe County, the Monroe County Sheriff's Office, and the relevant incorporated municipality within the county, and such construction and interpretation shall be entitled to great weight in adversarial administrative proceedings, on trial, and on appeal.
7. Per F.S. 252.46(2), this order shall take effect immediately upon being filed with the Monroe County Clerk.

Signed:  Date: May 26, 2020 Time: 3:00 pm
Shannon Weiner, Emergency Management Director

Approved for legal sufficiency by:

Robert B. Shillinger, May 26, 2020

Monroe County Attorney