

**CITY OF ST. PETERSBURG, FLORIDA
EXECUTIVE ORDER NO. 2021-04**

**AN ORDER OF THE MAYOR TAKING
EMERGENCY ACTION TO RESPOND TO
COVID-19 WITHIN THE CITY BY ESTAB-
LISHING NEW REQUIREMENTS FOR
COVID-19 MITIGATION, CONTINGENCY,
AND SAFETY PLANNING FOR EVENTS
WITHIN THE CITY BY SUPPLEMENTING
AND EXPANDING UPON COUNTYWIDE
REQUIREMENTS ESTABLISHED BY
EMERGENCY ORDER 21-3 OF THE OFFI-
CIAL AUTHORITY OF THE COUNTY OF
PINELLAS.**

THE FOLLOWING ORDER is hereby made 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 (“**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 (most recently, executive order 20-276), and it remains in effect at this time.
- (c) For purposes of this order, “**State Order**” means any executive order or similar directive that is or will be 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.
- (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 of BCC or orders of the County Administrator, and it remains in effect at this time.

- (e) For purposes of this order, “**County Order**” means any ordinance, resolution, order, or similar document that is or will be adopted or promulgated by BCC, the County Administrator, 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.
- (f) 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 executive order 2021-03), and it remains in effect at this time (collectively, the “**Emergency**”).
- (g) 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.
- (h) Pursuant to the police powers granted by the Florida Constitution and Florida Statutes chapter 166 and the emergency powers granted by the Florida Statutes (including sections 252.32, 252.38, and 252.46) and the Emergency Code, I am authorized as the Mayor to impose curfews, confiscate property, declare areas off limits, close places of public assemblage, and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community during the Emergency.
- (i) For purposes of this order, “**City Order**” means any executive order or similar directive that is or will be issued by me pursuant to the authority described in the preceding finding for the purpose of responding to COVID-19, including this order.
- (j) CDC guidance entitled “Deciding to Go Out” (last updated October 28, 2020) describes a variety of factors to be considered when evaluating the risk of COVID-19 exposure. This guidance includes the following statements:
 - (i) Interacting with more people raises your risk.
 - (ii) Being in a group with people who aren’t social distancing or wearing cloth face coverings increases your risk.
 - (iii) Engaging with new people (e.g., those who don’t live with you) raises your risk.
 - (iv) The closer you are to other people who may be infected, the greater your risk of getting sick.

- (v) Activities are safer if . . . [y]ou can maintain at least 6 feet of space between you and others. COVID-19 spreads easier between people who are within 6 feet of each other.
- (vi) Activities are safer if . . . [p]eople are wearing masks. Interacting without wearing masks also increases your risk.
- (k) CDC has issued guidance entitled “Considerations for Events and Gatherings” to address how events and gatherings can be held in a manner that reduces the risk of spreading COVID-19. This guidance is updated regularly based on evolving knowledge of COVID-19, and the most recent version, dated January 8, 2021, includes the following statements:
 - (i) The more people an individual interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading.
 - (ii) The higher the level of community transmission in the area that the gathering is being held, the higher the risk of COVID-19 spreading during a gathering.
 - (iii) The size of an event or gathering should be determined based on state, local, territorial or tribal safety laws and regulations.
- (l) On September 29, 2020, I issued City EO 2020-43 (as may be amended or superseded from time-to-time, the “**Original Event Order**”). In consideration of then-current guidance from CDC, data from the Florida Department of Health (“**DOH**”), the expectation that events that were previously postponed or cancelled due to COVID-19 were likely to resume, and the finite resources available to the City, that order established certain contingency and mitigation planning requirements for events that were reasonably be expected to attract more than 50 people and that would be held pursuant to a City-issued permit or a facility-use agreement (or similar contractual arrangement) with the City. That order also specifically noted that “an increase in the amount of community spread or other factors may require expansion of those requirements in the future.”
- (m) DOH issues regular reports on the status of COVID-19 through the “Florida's COVID-19 Data and Surveillance Dashboard,” including data related to two of the three key metrics in the “Safe. Smart. Step-by-Step. plan to re-open Florida” released by the Re-Open Florida Task Force in April 2020. These metrics are the “Syndromic Surveillance” metric (with respect to both influenza-like illnesses and COVID-19-like illnesses) and the “Epidemiology & Outbreak Decline” metric (with respect to both documented COVID-19 cases and the trajectory of positive tests as a percent of total tests). The data for these metrics as of the date of this order indicate that Pinellas County continues to see community spread of

COVID-19, despite current mitigation measures (including requirements for face-covering in indoor public places and mitigation planning for businesses and certain events).

- (n) CDC guidance entitled “FAQs for Event Organizers & Individuals” dated October 10, 2020, stated that “[I]f there is minimal or moderate spread of COVID-19 in the community, CDC recommends cancelling an . . . event that includes 250 people or more.”
- (o) A more recent version of that CDC guidance, entitled “Event Planning and COVID-19: Questions and Answers” and updated on January 5, 2021, contains the following statement on event size:

CDC does not have a limit or recommend a specific number of attendees for [mass gatherings and large community events] and instead encourages event organizers to focus on ways to limit people’s contact with each other. Each event organizer will need to determine the appropriate number for their setting in collaboration with local health officials. They should also check state, county, and city rules regarding any current restrictions limiting the number of attendees at events.

In general, the number that is chosen should allow individuals to remain at least 6 feet apart from each other. Rather than focusing on an ideal number, event organizers and administrators should focus on the ability to reduce and limit contact between attendees, staff, and others. In general, the more people you interact with, the more closely you interact with them, and the longer that interaction, the higher your risk of getting and spreading COVID-19. Indoor spaces are more risky than outdoor spaces because indoors, it can be harder to keep people at least 6 feet apart and the ventilation is not as good as it is outdoors.

- (p) On January 21, 2021, the County Administrator, in his capacity as the “Official Authority” during the County’s state of local emergency, issued emergency order no. 21-3 (as may be amended, superseded, or interpreted from time-to-time, the “**County LSSE Order**”). Generally speaking, the County LSSE Order establishes certain safety, mitigation, and contingency measures for events that occur outdoors (in whole or in part) and that will have more than 1,000 people in attendance at any given time.
- (q) The County LSSE Order provides exemptions that are consistent with previous County Orders, including an exemption for any requirement that would conflict with the Americans with Disabilities Act, which addresses a variety of situations, including those where a face covering would prevent communication with a person who is hearing impaired or would be detrimental to health and safety.

- (r) Section 4 of the County LSSE Order explicitly states that “municipalities within Pinellas County may establish more stringent standards within their jurisdictions to the extent permitted by law.”
- (s) In consideration of the CDC guidance described in the preceding findings and as authorized under the County LSSE Order, it is necessary to protect the public interest to establish more stringent standards for events held within the City as follows:
 - (i) In recognition of the fact that 250 people was recently considered by CDC to be the maximum safe size for any event in an area experiencing community spread of COVID-19, the planning standards under the County LSSE Order should also be applied to events with attendance between 250 and 1,000 people that were previously subject to planning requirements under the Original Event Order, including City co-sponsored events.
 - (ii) Events that are subject to the Original Event Order should remain subject to the Original Event Order if they do not fall within the scope of this order. Accordingly, the definition of “event” in the Original Event Order should be amended to limit the scope of attendance to 50–249 people.
- (t) Although distribution of the COVID-19 vaccine has begun and is expanding in scope, CDC guidance entitled “Frequently Asked Questions about COVID-19 Vaccination” dated January 15, 2021, provides that, even after receiving both doses of the vaccine, a person should “continue using all the tools available to help stop this pandemic,” including wearing a face covering, practicing social distancing, and avoiding crowds. Accordingly, the emergency actions taken by this order remain necessary to protect the public interest.
- (u) The emergency actions taken by this order are necessary to prevent a widespread outbreak of COVID-19 that could cause both (i) unprecedented sickness and death in the City that overwhelms critical and limited healthcare capacity and (ii) unprecedented economic damage within the City. Because COVID-19 poses such unprecedented threats 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 (i) necessary to achieve that purpose and (ii) have been narrowly tailored to achieve that purpose by following applicable guidance of public health authorities, including the guidance described in the preceding findings.
- (v) Because 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 are inherently temporary in nature and will not be continuous or continuously recurring.

- (w) This order has been made in consideration of the information described in these findings and in consultation with applicable City officials and staff. Accordingly, the procedure used to make this order is fair under the circumstances.
- (x) Currently applicable State Orders and County Orders do not preempt or prohibit the emergency actions taken by this order.

SECTION 2—DEFINITIONS: For purpose of this order, the following definitions apply unless context clearly indicates otherwise:

- (a) **“Attendee”** or **“person in attendance”** means any guest, invitee, or other person who is (i) over the age of 18; (ii) physically present within any area of an event, regardless of whether it is fully or partially enclosed; (iii) not considered an organizer or staffer; and (iv) not subject to any exception in County LSSE Order, including those in section 5 of that order.
- (b) **“CDC Event Guidance”** means guidance promulgated by CDC for events and gatherings, as it may be amended from time-to-time. CDC Event Guidance is available online (<https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>) and provides planning considerations, frequently asked questions, and planning tools.
- (c) **“County LSSE Order”** means the County Order defined in section 1(n), above.
- (d) **“County Plan Standards”** means the standards for a COVID-19 Event Safety Plan established by County LSSE Order section 3(3), subject to the exceptions in that order (including section 5 of that order).
- (e) **“Covered Event”** means an event or gathering that falls into one of the following categories, regardless of whether attendance requires an invitation, requires the purchase of a ticket or other payment, or is otherwise limited to certain individuals or types of individuals:
 - (i) An event or other gathering that is an “Large-Scale Special Event” or “LSSE” under the County LSSE Order.
 - (ii) An event or other gathering (whether indoors or outdoors) that is intended for or that can reasonably be expected to attract 250 or more people and that is held pursuant to either a permit or a facility use agreement (as those terms are defined in this section).

- (f) **“Facility use agreement”** means a facility use agreement or similar contractual arrangement with the City for the use of a facility or property that is owned or operated by the City.
- (g) **“Operator”** has the meaning provided in County Ordinance section 2(5).
- (h) **“Organizer”** means any individual or entity (regardless of corporate structure or formation) who (i) is identified on the permit application submitted to the City as the individual or entity responsible for the covered event; (ii) enters into the facility use agreement with the City for the covered event; or (iii) in the absence of a permit or facility use agreement, exercises control over the planning and execution of the covered event. If an organizer is an entity, each officer, director, or other person with control over the operation of the entity is also considered an organizer for purposes of this order.
- (i) **“Permit”** means a permit issued by the City, including co-sponsored event, food truck special event, parade, non-construction-related street closure, outdoor assembly, park, certain temporary use, and special event.
- (j) **“Plan”** or **“COVID-19 Event Safety Plan”** means a written plan for COVID-19 safety, mitigation, and contingency efforts related to a covered event.
- (k) **“Social distancing”** has the meaning provided in County LSSE Order section 2.
- (l) **“Staff”** or **“staffer”** means a person who falls within the definition of “Staff” under the County LSSE Order and who is not considered an organizer for that covered event.

SECTION 3—RELATION TO OTHER EMERGENCY ACTIONS:

- (a) This order is intended to complement and be carried out in conjunction with all applicable State Orders and County Orders.
- (b) Effective February 1, 2021 the Original Event Order (i.e., City EO 2020-43) is amended and superseded on a limited basis in accordance with the following:
 - (i) The definition of “event” in Original Event Order section 3(e) is amended as follows, and the planning requirements established by Original Event Order section 5 (the **“Original Event Requirements”**) remain in effect only for an event that falls within this amended definition:

“Event” means an event intended for or that can reasonably be expected to attract more than 50 but less than 250 people and that is held pursuant to either (i) a permit issued by the City (including co-sponsored event, food truck special event, parade, non-construction-

related street closure, outdoor assembly, park, certain temporary use, and special event) or (ii) a facility-use agreement or similar contractual arrangement with the City. An event falls within the scope of this definition regardless of whether attendance requires an invitation, requires the purchase of a ticket or other payment, or is otherwise limited to certain individuals.

- (ii) An event or other gathering that is a “covered event” under this order is subject to this order and is not subject to Original Event Requirements.
- (iii) This order does not establish any *new* requirements for an event or other gathering that is outside the scope of the Original Event Order or this order. But all other *existing* requirements remain in effect (e.g., the requirement in City EO 2020-43 that a business’ mitigation and contingency plan must address events or gatherings held at that business), and *future* requirements may be established for such an event based on changes in guidance from public health officials, increased risk factors, and other applicable considerations.
- (c) Otherwise, this order is not intended to supersede or terminate any other portion of the Original Event Order or any other preceding City Order, and it is intended to be carried out in conjunction with all such City Orders currently in effect.

SECTION 4—PLAN STANDARDS: An organizer shall ensure that a plan is developed for the applicable covered event in accordance with the following *minimum* standards:

- (a) The plan must address every element in the County Plan Standards, using the organization set forth in the County Plan Standards. If any element of the County Plan Standards is not applicable to the particular covered event, the plan must include a brief explanation of why (e.g., “a separate entrance and exit cannot be provided because there is only a single point of entry into the room available for attendees”). Nothing in this section is intended to prevent an organizer from establishing a plan that goes beyond the scope of the County Plan Standards.
- (b) The plan must be consistent with and promote compliance with each of the following, to the fullest extent applicable:
 - (i) Any federal, state, or local emergency actions related COVID-19 (including provisions of the County ordinance 20-14 and City EO 2020-27 that require an organizer, staffer, or attendee to wear a face covering).
 - (ii) CDC Event Guidance.

- (iii) Any other applicable guidance concerning COVID-19 that has been promulgated by a federal or state regulatory agency (including CDC, OSHA, DOH, and the Florida Department of Business and Professional Regulation) of which an organizer has actual or constructive knowledge.
- (c) An organizer shall continually update the plan as needed to (i) reflect changes in CDC Event Guidance or other applicable public health guidance; (ii) changes in risk factors (e.g., increased community spread); or (iii) changes in event planning or logistics. No more than 24 hours after making such an update, an organizer shall provide the updated plan to the City, through the same process used for the original submission of that plan. The updated plan is subject to City review in the same manner as the original submission, and the event shall not be held without the City's approval of the updated plan.
- (d) The plan must include a statement from an organizer that satisfies the following minimum requirements:
 - (i) The organizer certifies that it has read and understood its obligations under this order.
 - (ii) The organizer certifies that the plan meets or exceeds the requirements of this order and that the information in the plan is true to the best of the organizer's knowledge.
 - (iii) The organizer acknowledges that the City's receipt, review, comment or approval of a plan does not constitute any of the following: (a) a guarantee by the City that the plan is correct or complete; (b) a guarantee by the City as to the effectiveness of the plan; or (c) acceptance by the City of any liability or indemnity obligation arising out of or related to the plan or the covered event.
 - (iv) The organizer acknowledges that the City may revoke, suspend, or terminate a permit or City use agreement if the City determines in its sole discretion that it is no longer in the public interest to hold the applicable covered event on the basis of any of the following factors: on changes CDC Event Guidance or other applicable public health guidance, changes in risk factors (e.g., increased community spread), or failure of an organizer to revise its plan as required under subsection (c), above.
 - (v) The organizer agrees to immediately suspend or terminate the covered event upon determination by the City, in its sole discretion, that the covered event fails to comply with applicable law or is being carried out in a manner inconsistent with the plan approved by the City for the covered event and acknowledges that failure to comply with its obligations under this order may result in any or all of the applicable enforcement actions described in section 7.

SECTION 5—SUBMISSION, REVIEW, AND APPROVAL: The plan for a covered event must be submitted to, reviewed, and approved by the City in accordance with the following:

- (a) If the covered event (i) requires a City permit, facility use agreement, or both and (ii) a certification or plan was *previously* submitted to the City for that covered event pursuant to the Original Event Order, the following applies:
 - (i) An organizer shall revise the plan to conform to the requirements of this order and submit that revised plan to the City using the same process used for previous submission.
 - (ii) An organizer shall submit the revised plan in accordance with applicable deadline established by subsection (d), below. If the City does not receive a revised plan on or before that deadline, the City may immediately suspend, revoke, or terminate any applicable City permit or facility use agreement.
 - (iii) If the City does not approve a plan that satisfies the requirements of this order before the start date of the event, the City may immediately suspend, revoke, or terminate any applicable City permit or facility use agreement for the event.
- (b) If the covered event (i) requires a City permit, facility use agreement, or both and (ii) a certification or plan has *not* been submitted to the City for that covered event pursuant to the Original Event Order, the following applies:
 - (i) An organizer shall submit the plan to the City in conjunction with the application for the required City permit or facility use agreement.
 - (ii) If the application and plan is not submitted by the deadline established by subsection (d), below, the City may reject the application and plan on the grounds that there is insufficient time to review the plan for conformance with this order.
 - (iii) The City shall not issue any City permit or enter into any facility use agreement for a covered event until the plan has been approved by the City in accordance with this order.
- (c) If the covered event does *not* require either a City permit or facility use agreement, the following conditions apply:
 - (i) An organizer shall contact the City's Director of Events Recruitment and Management via email (tony.leno@stpete.org) to determine the appropriate process for submitting the plan.

- (ii) If the plan is not submitted by the deadline established by subsection (d), below, the City may reject the plan on the grounds that there is insufficient time to review and revise the plan for conformance with this order.
 - (iii) The City shall approve or reject the plan and notify the organizer of that approval or rejection.
- (d) Submission of a plan pursuant to this section is subject to the following deadlines, based upon the date on which the event begins:
 - (i) If the event begins between February 1, 2021, through February 14, 2021, (inclusive), an organizer shall submit the plan at least 7 calendar days before the event begins.
 - (ii) If the event begins between February 15, 2021, through February 28, 2021, (inclusive), an organizer shall submit the plan at least 14 calendar days before the event begins.
 - (iii) If the event begins on March 1, 2021, or later, an organizer shall submit the plan at least 21 calendar days before the event begins.
- (e) The City's approval of a plan is effective only if it is in writing from the City.
- (f) If the covered event is an LSSE, it is also subject to the County LSSE Order, and the City shall provide a copy of the approved plan to the County Administrator in accordance with the County LSSE Order.
- (g) If a plan is submitted for review and the covered event occurs without City approval for that plan, each organizer of that covered event is presumed to have committed a knowing violation of this order.
- (h) Due to the many unknowns surrounding COVID-19, public health guidance is constantly evolving and risk factors are constantly changing. Accordingly, the City may rescind its approval of a plan and suspend, revoke, or terminate any applicable permit or City use agreement if the City determines in its sole discretion that it is no longer in the public interest to hold the applicable covered event on the basis of any of the following factors: (i) changes CDC Event Guidance or other applicable public health guidance; (ii) changes in risk factors (e.g., increased community spread); or (iii) failure of an organizer to revise its plan as required under subsection section 4(c), above.

SECTION 6—IMPLEMENTATION OF PLAN: An organizer shall ensure that the plan for a covered event is implemented in accordance with the following:

- (a) An organizer shall ensure (i) that the plan is made available to each staffer; (ii) that each staffer receives training regarding compliance with the plan; and (iii) that each staffer complies with the plan.
- (b) An organizer shall ensure (i) that the plan is available to all attendees and (ii) that aspects of the plan that apply to attendees (e.g., with respect to social distancing or face covering) are clearly communicated to attendees as required under the plan.
- (c) An organizer shall ensure that the plan is available to the public so that a member of the public can make an informed decision concerning attendance at the covered event. If an organizer controls an online presence for the covered event, that organizer shall ensure that the plan is available online through that online presence.
- (d) An organizer (either directly or through the Event Safety Plan Manager identified in the plan) shall take reasonable efforts to achieve compliance with the plan by each attendee in accordance with this order and the County LSSE Order.

SECTION 7—ENFORCEMENT: In addition to the rights granted to the City by other provisions of this order (e.g., the right to rescind its approval of a plan due to changes in risk factors pursuant to section 5(h)), the City may also pursue enforcement actions for violations of this order in accordance with applicable law and as described in County LSSE Order section 6. Specifically:

- (a) Violation of any provision of this order related to a permit may result in suspension or revocation of that permit. Such suspension or revocation may be appealed to the extent provided for by City Code or other applicable law.
- (b) Violation of any provision of this order related to a facility use agreement may result in termination of that agreement or any other remedy authorized by law to enforce or terminate that agreement.
- (c) Violation of any provision this order, which establishes rules and regulations in a manner authorized by the ordinances codified in the Emergency Code, constitutes a violation of City Code as defined in City Code section 1-7. Accordingly, this order may be enforced through any mechanism authorized under City Code section 1-7, including civil penalties or injunctive relief. If a fine is imposed pursuant to this subsection (c), the fine will be \$500 for each violation.

- (d) A knowing or repeat violation of this order, which is made pursuant to Florida Statutes section 252.38, is also punishable as a misdemeanor of the second degree pursuant to Florida Statutes section 252.50.

SECTION 8—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 9—DURATION: Pursuant to City Code section 2-425(e)(1), this order has full force and effect when filed with the City Clerk 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 executed by the Mayor and filed with the City Clerk on the date and time stated below.

Sign: 
Rick Kriseman, Mayor

Filed with the City Clerk:

Sign: 

Name: Chan Srinivasa

Title: City Clerk

Date: January 26, 2021

Time: 4:18 P.M.



Exhibit to City EO 2021-04

EMERGENCY ORDER No. 21-3 OF THE OFFICIAL AUTHORITY
OF THE COUNTY OF PINELLAS
PURSUANT TO
RESOLUTION NO. 20-16, AS EXTENDED

COVID-19 Requirements for Outdoor Large-Scale Special Events

WHEREAS, in response to the emergence of a novel coronavirus and the respiratory disease it causes ("COVID-19"), the World Health Organization (WHO) has officially characterized COVID-19 as a pandemic that constitutes a Public Health Emergency of International Concern; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and accordingly the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52 declaring a State of Emergency for the state of Florida in furtherance of efforts to respond to and mitigate the effects of COVID-19 throughout the state, and most recently extended this State of Emergency in Executive Order Number 20-166; and

WHEREAS, since that time, the Governor has found it necessary and appropriate to issue additional Executive Orders to slow the spread of COVID-19, and has modified existing restrictions to implement a phased re-opening process, and has provided parameters for the conduct of permitted business operations, directed compliance with health and safety practices as established by the Centers for Disease Control and Prevention (CDC), and elaborated other restrictions and modifications to previous orders; and

WHEREAS, in order to fully and effectively respond to the developing threats posed by the novel coronavirus and its associated disease (COVID-19), and in coordination with ongoing emergency actions by the state and federal governments, the Pinellas County Board of County Commissioners (Board) passed Resolution 20-16 declaring a local state of emergency (LSE) in Pinellas County (Resolution), and subsequently such extensions and orders as have been deemed necessary have been issued pursuant thereto; and

WHEREAS, the LSE is intended to enable the County to effectively respond to the ongoing and evolving public health threat posed by COVID-19, which continues to pose a threat throughout Pinellas County, including by taking measures to mitigate and slow the spread of the virus; and

WHEREAS, it is the duty of Pinellas County to take proactive measures to support the public health and safety of the community; and

Exhibit to City EO 2021-04

WHEREAS, Section 252.38(3)(a)5, Florida Statutes, provides authority for a political subdivision such as Pinellas County to exercise emergency powers; and

WHEREAS, Pursuant to §252.38(1), Florida Statutes, and Pinellas County Charter section 2.04 (k), the County has jurisdictional authority over the entire county for emergency management purposes;

WHEREAS, as of September 25, 2020, the State of Florida has lifted virtually all state restrictions on activities and does not have in place any restrictions on gatherings or large-scale events;

WHEREAS, the Florida Department of Health webpage answers the question, “Is it okay to have or go to large events?” as follows, “All persons in Florida are encouraged to avoid congregating in groups larger than 10.”; and

WHEREAS, the seven day moving percent positivity for COVID-19 testing in Pinellas County has progressively moved from 2.58% on September 17, 2020 to 7.21% on January 17, 2021;

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) has stated:

The more people an individual interacts with at a gathering and the longer that interaction lasts, the higher the potential risk of becoming infected with COVID-19 and COVID-19 spreading.

The higher the level of community transmission in the area that the gathering is being held, the higher the risk of COVID-19 spreading during a gathering.

The size of an event or gathering should be determined based on state, local, territorial or tribal safety laws and regulations.

WHEREAS, a significant number of large-scale special events that occur in Pinellas County typically occur in the winter and spring;

WHEREAS, there is a significant risk to the public of heightened risk of transmission of COVID-19 at large scale special events that may be mitigated if precautions are taken;

WHEREAS, there are 24 cities within the County that collectively support the mitigation of the spread of COVID-19 by additional requirements for large events; and

WHEREAS, the requirements within this order are a minimum set of requirements and nothing herein should be construed to prohibit a city from having additional or more restrictive requirements;

Exhibit to City EO 2021-04

NOW, THEREFORE, in accordance with Resolution No. 20-16, as extended and supplemented by other emergency actions, I now order, effective at 9:00 a.m. on January 21, 2021 that:

Large Scale Special Events, as further defined and described below, within the County are prohibited unless they fully comply with the following procedures and requirements:

Section 1. INTENT:

The requirements of this Order are supplemental requirements to the Pinellas County Face Coverings Ordinance (Ordinance 20-14) and are intended to apply to Large Scale Special Events. To the extent that there is inconsistency with Ordinance 20-14, the provisions of this Order will govern. For events held completely indoors, the provisions of Ordinance 20-14 continue to apply.

These requirements are intended to help protect the community from the spread of COVID-19 from contagions being spread at Large-Scale Special Events. While these requirements should not be interpreted as meaning that full compliance with these restrictions will completely prevent any risk of exposure to COVID-19, the requirements reflected here, based on the guidance from the CDC and other public health officials, should mitigate the spread of COVID-19 from these types of events as compared to similar types of events not required to follow these requirements. Large events create substantial risk of exacerbating transmission of this deadly disease. These standards should not be interpreted as suggesting that the County recommends hosting or attending large events during this pandemic. Large-scale special events should be postponed to reduce the spread of the virus. Organizers hosting these types of events must do so only pursuant to an approved COVID-19 Event Safety Plan. Nothing herein should be construed to prohibit any city from having additional or more restrictive COVID-19 mitigation requirements.

Outdoor events or with fewer than 1000 people in attendance at any one time are strongly encouraged to consider implementing social distancing, face covering and sanitation measures as recommended by the CDC
<https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/considerations-for-events-gatherings.html>

Section 2. DEFINITIONS:

“CDC Guidelines” means the guidance from the U.S. Centers for Disease Control and Prevention that is available at <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>, as may be updated from time to time, and any guidance or subpages on that site.

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“Large-Scale Special Event” or “LSSE” means an outdoor (in whole or in part) one-time or infrequently occurring opportunity for a leisure, social, cultural or other experience outside the normal range of choices or beyond everyday experience, or which is outside normal day to day programs or activities of the sponsoring or organizing body that has more than 1000 people in attendance at any one time. Events held only annually or semi-annually are not day to day programs or activities and may be an LSSE depending on the size of the event.

“Social Distancing” means staying at least 6 feet away (in all directions) from any person from outside your household or immediate family.

“Staff” means all performers, vendors, organizers, employees, volunteers, contractors, sub-contractors, and workers of any kind.

Section 3. REQUIREMENTS:

All Large-Scale Special Events may not be held without compliance with the following requirements:

- 1) **Prepare and Follow an Approved COVID-19 Event Safety Plan.**
 - a) For LSSEs within a city, the city must require a COVID-19 Event Safety Plan that conforms to the requirements of this Order and provide the city approved COVID-19 Event Safety Plan to the Pinellas County Administrator prior to, or in conjunction with the issuing of a permit or approval.
 - b) No city permit or approval for a LSSE may be issued without the approved COVID-19 Event Safety Plan.
 - c) For LSSEs within unincorporated Pinellas County, the event organizer must submit a COVID-19 Event Safety Plan and receive formal written approval from the Pinellas County Administrator prior to holding the event.
- 2) **COVID-19 Event Safety Plan minimum requirements.** At a minimum, the plan must outline the steps that will be taken to mitigate the spread of COVID-19, including, but not limited to:
 - a) **Face coverings are mandatory.** Face coverings (also known as “face masks”) must be worn by all persons in attendance at an LSSE subject only to the exceptions permitted within this Order. Persons in attendance includes, in addition to those admitted, whether for free or for consideration, to avail themselves of the event, all Staff. Describe how the requirement for mandatory face coverings will be communicated to Staff and attendees and consistently reinforced.

b) **Social Distancing.** Social Distancing must be maintained to the greatest extent practicable at all times. Describe what steps will be taken to ensure social distancing.

i) **Limitation on Number of Attendees.**

- (1) No more attendees than may Socially Distance within the area of the LSSE may be allowed into the event. Establish a cap on attendees to meet Social Distancing requirements and describe how this will be managed to maintain the event within this limit. (i.e. the maximum number of people allowed at the event at any one time divided by total useable area in sq. ft., that allows for social distancing). Organizers should continue to assess, based on current conditions, whether to postpone, cancel, or significantly reduce the number of attendees for LSSEs.
- (2) Provide a site map with dimensions that allows for the ability to determine:
 - (a) Total event area square footage;
 - (b) Location and dimensions of all entrances, exits, booths, stages, activities, facilities, bathrooms, or vendors will be, including queue areas at which gatherings or lines might be expected to form.

ii) **Ingress/Egress, Access Control, and Line Queuing.**

- (1) Describe how activities, including arrival and departure from the event, will be managed in compliance with the face covering and social distancing measures.
- (2) Where distancing of at least 6 feet cannot be maintained between people physical barriers should be used to help reduce the risk of transmission. Show any such barriers on the site map.
- (3) Describe strategies to address the following requirements:
 - (a) Establish separate entry and exit points. Describe how there has been considered and implemented width to allow for free movement, queue markings, and provision of handwashing and sanitizing stations.
 - (b) Minimize queuing. Encourage pre-purchase of tickets and ensure sufficient ticket sellers and food, beverage or goods vendors to prevent long lines for which adequate room for queuing in the space available may be accomplished while maintaining Social Distancing.

c) **Screening and Sick Persons.** No person displaying COVID-19 symptoms (such as fever, cough or shortness of breath, sore throat or tiredness) should attend the event. Event organizers are required to screen Staff and attendees for COVID-19 symptoms prior to or before entering the event.

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- i) Describe how you will advise Staff and attendees who are displaying COVID-19 symptoms (such as fever, cough or shortness of breath, sore throat or tiredness) not to attend the event. Will refunds for non-attendance to encourage the unwell to stay home be offered?
- ii) Identify a specific person or office to whom Staff and attendees should report if they become unwell during the event.
- iii) Describe what protocol will be taken in the event that anyone appears at the event displaying COVID-19 symptoms.
- d) **Signage and Communication of Requirements.**
 - i) Signs must be posted, at a minimum, be at all entry points and the entrances to all bathroom facilities that reflect the requirements for mandatory face masks, social distancing, and advising those that are sick to stay home. Signs must be not smaller than 11" x 17".
 - ii) Describe or provide any additional signage to be placed throughout the event that discourages attendees from gathering in any one area of the event and encourages attendees to remain at least 6 feet from others when moving through the event.
 - iii) Describe how you will ensure communication with Staff and attendees to ensure Staff and attendees know what their responsibilities are.
 - iv) Describe how the event will promote these measures and requirements when advertising the event or ticket sales.
- e) **Sanitation and Disinfection Requirements.**
 - i) Sanitation and Disinfection Plan. Describe your process and schedule to ensure that all frequently touched objects and surfaces will be cleaned and disinfected on an ongoing basis. At a minimum the sanitization and disinfection plan must provide for:
 - (1) Frequently during the event provide for cleaning and disinfection of high touch surfaces such as door handles, handrails and counters and shared facilities, including bathrooms.
 - (2) A regular cleaning routine should be in place for all other areas within the event. Refer to the CDC Guidance for Cleaning and Disinfecting https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcorona

[virus%2F2019-ncov%2Fcommunity%2Fcleaning-disinfecting-decision-tool.html](https://www.cityofsanfrancisco.gov/sites/default/files/media-assets/virus%2F2019-ncov%2Fcommunity%2Fcleaning-disinfecting-decision-tool.html).

- (3) Identify what Staff is responsible for this cleaning and disinfection.
- (4) Identify what sanitation supplies will be provided, where and how frequently they will be replenished.
- ii) Describe how you will provide training on sanitation practices to Staff and ensure they have access to sufficient supplies to accomplish the sanitization and disinfection plan. At a minimum Staff must know and be trained to:
 - (1) Frequently wash hands with soap and water e.g. after going to the bathroom, after handling money, before and after eating and after touching face or hair.
 - (2) Avoid touching eyes, mouth and nose.
 - (3) Wash hands with soap and water or use a hand sanitizer at the beginning of their shift and before commencing a new activity.
 - (4) Not attend work if they are not feeling well.
- iii) Describe how you will provide sanitization information to attendees which must at a minimum include advice to wash hands with soap and water or use hand sanitizer upon entering an event, and to frequently wash hands with soap and water or use hand sanitizer during the event.
- iv) Describe payment options to be utilized during the event for ticketing, vendors, or activities. Promote cashless payments. However, if cash is exchanged, require those handling cash to wash hands with soap and water, or use hand sanitizer after handling money. Sanitize any pens, or hard surfaces between each use.
- f) **Enforcement of Requirements.**
 - i) Develop and describe clearly defined protocols to ensure adherence to Social Distancing, face covering and sanitation measures by all Staff and attendees. What steps will be taken should someone not comply?
 - ii) Identify the person at the event who is responsible for monitoring the event and ensuring procedures and measures identified in the COVID-19 Event Safety Plan are implemented and followed during the event. This person is designated as the COVID-19 Event Safety Plan Manager. Provide contact information (phone number and/or email address) at which the COVID-19 Event Safety Plan Manager may be reached at all times within 15 minutes during the LSSE and for the two hours before the event.

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- iii) Describe the staffing plan that will ensure that there will be sufficient Staff to monitor and ensure compliance with an approved COVID-19 Event Safety Plan.
- iv) Describe measures you will implement to ensure that all businesses/organizations/suppliers/vendors involved in your event are aware of and will comply with Social Distancing, face covering, and sanitation measures. At a minimum this must include a signed statement of commitment from all contractors and sub-contractors that they are governed by and will comply with your COVID-19 Event Safety Plan.

SECTION 4. APPLICABILITY:

This Order applies to all incorporated and unincorporated areas within Pinellas County. This Order serves as a minimum requirement and the municipalities within Pinellas County may establish more stringent standards within their jurisdictions to the extent permitted by law.

Any provision(s) within this Order that (i) conflict(s) with any state or federal law or constitutional provision, or (ii) conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States solely to the extent such Executive Order (a) expressly preempts the substance of this Order or (b) imposes stricter closures than set forth herein, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect.

Nothing in this Order or any Pinellas County Emergency Order applies to a training, competition, event, or game for a professional sports team in accordance with the Governor's Executive Order 20-123.

SECTION 5. EXCEPTIONS:

This Order does not apply to:

1. School events that are operated by or under the jurisdiction of the Pinellas County School Board. However, the use of facial coverings and the limitation of gatherings are encouraged. All activities are encouraged to comply with the CDC's "Considerations for Schools," which are available at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>

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2. Public Health events such as mass immunizations or virus testing. These events should comply with all applicable CDC Guidelines.
3. Religious rituals where Social Distancing is otherwise maintained at all times except during such times as it would interfere with an integral part of the ritual

This Order does not require compliance with the requirement to wear a face covering while attending a LSSE for the following:

1. Children under the age of 2.
2. When actively eating or drinking while stationary or seated and maintaining Social Distancing.
3. Persons exercising while maintaining Social Distancing.
4. In any manner that would conflict with the Americans with Disabilities Act (ADA).

SECTION 6. ENFORCEMENT BY AUTHORITIES:

1. Any person at any gathering in violation of the limitations in this Order is individually liable for the violation and subject to all applicable civil and criminal penalties. Additionally, the owners, operators, and landlords of residential or commercial property are individually liable for any prohibited gathering that occurs on their property, regardless of whether such owners, operators, or landlords are in the residence or on site at the time of the violation. However, owners and landlords of a residential property that is under a lease with a contract term of 6 months or longer are not individually liable under this provision for gatherings taking place at the leased property.
2. In the event that there is not substantial compliance with an approved COVID-19 Event Safety Plan, the County Administrator or City Mayor or City Manager, or their designee or Law Enforcement may require the event to immediately close and cease.

Ordered:



**Barry A. Burton, County
Administrator**

APPROVED AS TO FORM

By: Donald S. Crowell
Office of the County Attorney