

**CITY OF ST. PETERSBURG, FLORIDA
ORDER NO. 2020-08**

**AN ORDER OF THE MAYOR TAKING
EMERGENCY ACTION TO RESPOND TO
COVID-19 WITHIN THE CITY BY LIMIT-
ING THE SALE OF ALCOHOLIC
BEVERAGES DURING CERTAIN HOURS.**

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 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 EO 2020-06), and it remains in effect at this time (collectively, the “Emergency”).
- (d) Based on reports from the Florida Department of Health and the guidance of other public health officials, it is expected that the number COVID-19 cases and deaths in the Tampa Bay area will continue to rise, and the City could experience a widespread outbreak of COVID-19.
- (e) 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 put distance between people in a community.

- (f) Emergency actions have been taken on both the state and local level to implement such “social distancing: measures. Several of those emergency actions concern the sale of alcoholic beverages for on-premises consumption and were necessary because patrons consuming alcoholic beverages at restaurants, bars, and other such establishments frequently ignored social-distancing guidelines—particularly after midnight.
- (g) On March 17, 2020, the Governor issued Executive Order 20-68, and on March 20, 2020, the Governor issued Executive Order 20-71. Among the various emergency actions taken by those two Executive Orders (collectively, the “**State Orders**”), the Governor prohibited vendors licensed to sell alcoholic beverages for on-premises consumption from making such sales. But the Governor also authorized many vendors normally prohibited from selling alcoholic beverages for *off*-premises consumption to begin making such sales subject to certain conditions—including a requirement that the alcoholic beverages sold for off-premises consumption be sealed and accompany an order of food for off-premises consumption.
- (h) In contravention of the State Orders, purchasers of alcoholic beverages sealed for “off-premises” consumption have been observed consuming those alcoholic beverages immediately after purchase while waiting for the accompanying food order outside the vendor’s establishment. Many of those purchasers have also been observed ignoring social distancing guidelines, and this problem has been particularly acute after midnight.
- (i) Prior to the Emergency, the City issued sidewalk café permits that allow businesses to serve food and beverages on the right-of-way adjacent to the business. The City also issued extended hours permits that allowed businesses to sell alcohol for on-premises consumption between midnight and 3:00 AM.
- (j) Pursuant to the police powers granted to the City by the Florida Constitution and Florida Statutes chapter 166 and the emergency powers granted by Florida Statutes section 252.38 and the Emergency Code, the Mayor is authorized to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community during the Emergency and to invoke certain general and specific emergency powers during the Emergency.
- (k) On March 26, 2020, pursuant to that authority, I issued executive order 2020-07 to take certain emergency actions to limit the spread of COVID-19 in the City. Because the actions authorized under the sidewalk café and extended hours permits were inconsistent with the limits on the sale of alcoholic beverages imposed by the State Orders, it was necessary to protect the public interest to suspend those permits for the duration of the Emergency.

- (l) As noted above, the State Orders allow licensees that are normally limited to selling alcoholic beverages for on-premises licensees to temporarily sell alcoholic for off-premises consumption. That switch from on-premises sales to off-premises pursuant to the State Orders has created confusion among some licensees as to whether they are subject to City Code provisions concerning on-premises sales or off-premises sales and whether or not the suspension of extended hours permits effectuated by City executive order 2020-07 applies to them.
- (m) To eliminate any such confusion and to reduce the problematic behavior described in previous findings, it is necessary to protect the public interest to enact an across-the-board prohibition on alcohol sales in the City from midnight to 8:00 AM each day.
- (n) 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. The actions taken by this order are necessary to achieve that purpose and have been narrowly tailored to achieve that purpose.
- (o) Because the prohibition implemented by this order is necessary only until the threat of a widespread outbreak of COVID-19 within the City has passed, such prohibition will be temporary in nature and will not be continuous or continuously recurring.
- (p) 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 ORDERS:

- (a) This order does not supersede the State Orders. Accordingly, this order is intended to complement and be carried out in conjunction with the State Orders and any guidance concerning the State Orders promulgated by any state official or entity with authority to do so—including guidance issued by the Florida Department of Business & Professional Regulation stating that “the sale of alcoholic beverages in sealed containers for consumption off-premises [pursuant to the State Orders] requires the containers to be *sealed by the manufacturer*.” Additionally, this order serves as notice that, pursuant to Florida Statutes section 252.50, violation of a State Order is punishable as a misdemeanor of the second degree.
- (b) This order does not supersede or terminate any preceding emergency action taken by me for purpose of responding to COVID-19 and is intended to be carried out in conjunction with all such emergency actions that remain in effect, including those taken in City executive order 2020-07.

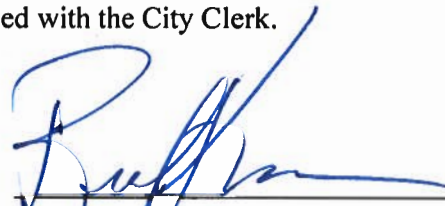
SECTION 3—LIMIT ON SALE OF ALCOHOLIC BEVERAGES: Pursuant to applicable law, including City Code subsection 2-427(c), the sale of alcoholic beverages within the City is hereby prohibited between midnight and 8:00 AM each day.

SECTION 4—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 5—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.

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: _____

March 27, 2020

Time: _____

3:38 P.M.