



MONROE COUNTY EMERGENCY MANAGEMENT
EMERGENCY DIRECTIVE 20-03
March 26, 2020

SUBJECT: Check Point at County Line

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; and

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

WHEREAS, minimization of contact is necessary to avoid risk of COVID-19 infection for the residents of the County; and

WHEREAS, the Centers for Disease Control (CDC) has issued guidance entitled "15 Days to Slow the Spread," encouraging social distancing and maintaining a 6 foot separation between residents to slow the spread of infection and that events with more than ten attendees either be cancelled or held virtually; and

WHEREAS, the CDC guidelines are based upon the amount of community spread within a community and become more stringent where there is minimal to moderate or substantial community spread; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of Monroe County, on March 20, 2020, the Emergency Management Director issued Emergency Directive 20-02, which closed the County to tourists and other leisure travelers; and

WHEREAS, due to the intensity of COVID-19 in other hot spots in the nation, the Governor has imposed additional screening measures for travelers departing from hot spots, *see*, Executive Orders 2020-80 and 2020-82; and

WHEREAS, due to the intensity of COVID-19 in Miami-Dade and Broward Counties, the Governor has imposed heightened restrictions on residents and businesses in those two counties, *see*, Executive Order 2020-70;

WHEREAS, Miami-Dade is the county to the immediate north of Monroe County with the only means of land access into the populated portion of Monroe County via U.S. 1 and Card Sound Road; and

WHEREAS, due to the intensity of COVID-19 community spread in Miami-Dade County, the Mayor of Miami-Dade County has taken a series of steps to curtail the spread of the virus by prohibiting gatherings by boaters or “rafting” (Miami-Dade Executive Order 8-20), and closing non-essential businesses (Miami-Dade Executive Order 7-20, as amended), closing parks, beaches, and recreational facilities (06-20, as amended), and gatherings of groups of 10 or more people in public (10-20); and

WHEREAS, on March 20, 2020, the Emergency Management Director issued Emergency Directive 20-02, which closed the County to tourists and other leisure travelers; and

WHEREAS, the aforementioned closures in Miami-Dade County have cause residents there to travel to Monroe County in violation of Monroe County Executive Directive 20-02, banning leisure travel and tourists, and

WHEREAS, F.S. 316.008(1)(c) authorizes local authorities to regulate processions or assemblages on state and federal highways in their jurisdictions; and

WHEREAS, the Supreme Court of Florida has held that a County has the power to open and close roads where necessity dictates on a temporary basis on “all public roads within the County,” *Hewitt v. Meness*, 100 So.2d 161, 164 (Fla. 1958).


WHEREAS, section 11-3(4)a of the Monroe County Code authorizes the Monroe County Emergency Management Director to issue directives having the force of law; and

WHEREAS, the Supreme Court of the State of Florida has upheld the use of roadblocks and check points by law enforcement agencies when written guidelines setting forth the search protocol are issued prior to erection of those roadblocks and check points, *see, e.g., Campbell v. State*, 679 So.2d 1168 (Fla. 1996); and

THEREFORE, as Monroe County Emergency Management Director, I hereby request that the Sheriff of Monroe County:

1. Erect a checkpoint on both roads entering the Florida Keys portion of Monroe County to determine if at least one occupant in the vehicle has legitimate business to be in Monroe County during the current state of emergency due to the COVID-19 outbreak.

2. The term "legitimate business" is defined as follows:
 - a. A resident of Monroe County
 - b. An owner of property in Monroe County
 - c. A person who is employed or performing contractual services in Monroe County
 - d. Any military personnel including National Guard member, health care worker, or first responder assigned to work in Monroe County
3. This directive shall be implemented by the Sheriff pursuant to the attached guidance document, as it is updated from time to time as circumstances dictate. The guidance document is hereby incorporated herein as Exhibit A to this directive
4. This directive shall take effect upon filing Per F.S. 252.46(2), this order shall take effect immediately upon being filed with the Monroe County Clerk.

Signed: 
Shannon Weiner, Emergency Management Director

Date: March 26, 2020 Time: 6:00 pm

Approved as to form and legal sufficiency in advance.

Robert B. Shillinger, Monroe County Attorney

Exhibit A to Emergency Directive 20-03
Check Point at County Line

In order to implement Directive 20-03 as well as Directive 20-02, the Monroe County Emergency Manager has requested the Sheriff to erect a checkpoint at the County line on U.S. 1 and on Card Sound Road to help stem the influx of travelers from outside of the County.

1. The Sheriff is requested to initiate the checkpoints within Monroe County on U.S. 1 and Card Sound Road on Friday morning March 27, 2020 and terminate the checkpoints at 6 pm on Sunday March 29, 2020.
2. The Sheriff shall screen all vehicles approaching the checkpoint to determine if they have legitimate business in Monroe County as that term is defined in Emergency Directive 20-03.
3. If at least one occupant of vehicle has legitimate business in Monroe County, the vehicle shall be permitted to enter the County. If no occupant of the vehicle has legitimate business in the County, the vehicle shall be refused entry into Monroe County and directed to return to Miami-Dade County.
4. Residency in Monroe County may be satisfactorily established by providing at least one of the following at the check point:
 - a. A government issued hurricane re-entry sticker affixed to the vehicle.
 - b. A deed, lease, utility bill, tax bill, or Florida Driver's License for a property located in Monroe County.
5. Non-residents can demonstrate that they have legitimate business in Monroe County by providing at least one of the following at the check point:
 - a. An employee identification card issued by an employer in Monroe County;
 - b. A paystub issued within the last month by an employer in Monroe County;
 - c. A letter from the non-resident's employer on company letterhead attesting that the individual is working in Monroe County;
 - d. A contract to perform services with a resident or entity in Monroe County;
 - e. Military identification and/or orders detailing that individual to serve in Monroe County;
 - f. A vehicle containing items for delivery in Monroe County, including but not limited to fuel, groceries, paper products, construction materials, and other goods;
 - g. An "authorized emergency vehicle" as that term is defined in F.S. 316.003 or F.S. 322.01.
 - h. Any vehicle owned by the State of Florida, the United States, or any local government entity or utility located within Monroe County.