

RESOLUTION NO. 20-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, PROVIDING FOR A TEMPORARY DEFERMENT OF IMPACT FEES DUE TO COVID-19 FOR VENDORS OF ALCOHOL BEVERAGES NOW LICENSED AS RESTAURANTS AFTER JULY 1, 2020, UNDER CHAPTER 509, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE AND SUNSET DATE.

WHEREAS, the City of Key West finds that Coronavirus Disease 2019 (COVID-19) presents a danger to the health, safety, and welfare of the public; and

WHEREAS, as elsewhere in the country, the citizens and businesses of the City of Key West are suffering severe economic impacts stemming in part from national, state and local measures closing certain businesses, imposing emergency stay-at-home requirements, and limiting public gatherings ("Emergency Measures") in an effort to slow the infection rate of COVID-19; and

WHEREAS, on June 3, 2020, the Governor of Florida issued Executive Order Number 20-139, to take effect at 12:01 a.m. on June 5, 2020, implementing Phase 2 of his Safe. Smart. Step-by-Step. Plan for Florida's Recovery allowing certain types of businesses to re-open under certain conditions, including bars, and allowing local government to implement additional restrictions and measures; and

WHEREAS, Wednesday, July 1, 2020, the Florida Department of

Business and Professional Regulation (DBPR) issued an Amendment to Emergency Order 2020-09, directing certain types of vendors licensed to sell alcohol beverages to suspend such sales for consumption on the premises stating that "during the month of June 2020, the number of individuals testing positive for COVID-19 increased significantly in the State of Florida... and some of these cases... are suspected to have originated from visits to bars, pubs, or nightclubs who have disregarded the restrictions..."; and

WHEREAS, DBPR premised that order on the statement that bars serve as venues for the spread of the virus as persons tend not to engage in social distancing and tend to mix with persons with whom they do not reside; and

WHEREAS, the effect of DBPR's order is that while restaurants may remain open at reduced capacity and subject to certain restrictions, bars are unable to serve patrons at their place of business which has caused a negative impact on the bar service industry; and

WHEREAS, some bars, in an effort to stay afloat, have acquired or are in the process of acquiring, restaurant licenses issued by DBPR under Chapter 509; and

WHEREAS, the local effect of the bars acquiring restaurant licenses under Chapter 509 means impact fees for sewer, solid waste, and traffic are immediately due and payable to the City of Key West; and

WHEREAS, the impact fees due by new qualifying restaurants can amount to thousands of dollars and would create a severe economic hardship for bars turned restaurants attempting to stay afloat and keep employees employed; and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that the residents, workers, and visitors in the City of Key West remain safe and secure and that this resolution promotes business operation and economic recovery while maintaining focus on core safety principals and slowing the spread of COVID-19; and

WHEREAS, as a result of COVID-19 and the resulting Emergency Measures, the City desires to temporarily waive certain fees in order to mitigate the disruption to the bar service industry and support the local economy; and

WHEREAS, the City Commission finds that the temporary suspension of impact fees for restaurants licensed after August 1, 2020 under Chapter 509, Florida Statutes, will serve a public purpose and directly benefit the residents and employees and business owners of the City of Key West; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: **Findings.** The above recitals are adopted by the City Commission as legislative findings.

Section 2: **Restaurants.** That any and all impact fees owed to the City of Key West for sewer, solid waste, and traffic by a vendor previously licensed to only sell alcohol beverages and after August 1, 2020, newly licensed as a restaurant under Chapter 509, Florida Statutes, are temporarily suspended upon written request by a qualifying restaurant to the City of Key West. This temporary suspension of impact fees will end upon expiration of the Local State of Emergency due to COVID-19 or when vendors originally licensed to sell only alcohol beverages are allowed to serve patrons at their place of business under their original license within the City of Key West, whichever occurs first ("Expiration"). Businesses desiring to retain their status as a restaurant under chapter 509 who have had their impact fees suspended under this section shall pay all fees due within 30 days after expiration.

Section 3: **Effective Date.** That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

PASSED AND ADOPTED by the City Commission at a meeting this
_____ day of _____, 2020.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2020.

Filed with the Clerk _____, 2020.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK