

**BROWARD COUNTY ADMINISTRATOR'S
EMERGENCY ORDER 20-11**

WHEREAS, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare, and safety of the people of Broward County;

WHEREAS, on March 1, 2020, Governor DeSantis declared a Public Health Emergency as a result of COVID-19, and on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency as a result of COVID-19;

WHEREAS, on March 10, 2020, I declared a Local State of Emergency;

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention ("CDC") and the Florida State Department of Health recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing of at least six (6) feet between persons in smaller gatherings;

WHEREAS, on March 10, 2020, the Broward County Board of County Commissioners authorized me to take any appropriate and necessary action to protect the health and safety of Broward County residents and visitors in connection with COVID19, and other emergency powers, including under the state-approved emergency management plan, have previously been delegated to me (as further outlined below);

WHEREAS, on April 29, 2020 and following, Governor DeSantis has issued certain Executive Orders, including Executive Orders 20-112, 20-114, and 20-120, establishing Phase 1 of a step-by-step plan for Florida's recovery, which permits certain business and establishments to reopen;

WHEREAS, due to the increased incidence of COVID-19 disease and extensive spread in southeast Florida, Governor DeSantis initially excluded Broward County, as well as Miami-Dade and Palm Beach Counties, from the initial scope of the Phase 1 reopening, and only included Miami-Dade County and Broward County in the Phase 1 reopening on May 14, 2020, pursuant to Executive Order 20-122;

WHEREAS, on May 14, 2020, I issued Emergency Order 20-10, permitting certain additional businesses and establishments to reopen on Monday, May 18, 2020, consistent with elements of the Phase 1 reopening permitted by the Governor;

WHEREAS, despite significant progress in containing COVID-19, southeast Florida remains the epicenter of the COVID-19 disease in Florida, and to the full extent permissible under applicable law, and in continued coordination with our municipalities, Broward County must retain the ability to limit or condition the reopening of additional facilities as required to protect our residents; and

WHEREAS, amending the below referenced language in Broward County Emergency Orders 20-05 and 20-10, *nunc pro tunc*, will preserve the ability of the County to limit or condition the reopening of such facilities as required,

NOW, THEREFORE, I, Bertha Henry, the Broward County Administrator, pursuant to my emergency authority under Sections 8-53 and 8-56 of the Broward County Code of Ordinances, as well as the authority granted to me by the Declaration of Emergency issued by Governor DeSantis in Executive Order 20-52, by Chapter 252, Florida Statutes, by the Board of County Commissioners, and by the Broward County Comprehensive Emergency Management Plan, hereby order as follows:

Section 1. **Amendment to Emergency Orders 20-05 and 20-10.**

Section 3 of Broward County Emergency Order 20-05, and Section 12 of Broward County Emergency Order 20-10, are hereby amended and replaced in their entirety with the following, *nunc pro tunc*:

“Applicability; Severability.

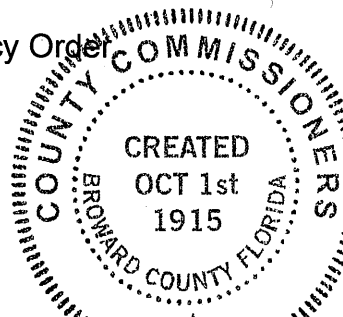
This Emergency Order supersedes any contrary provision in any prior Broward County Emergency Order. Except as superseded, all Broward County Emergency Orders remain in full force and effect. This Emergency Order applies to incorporated and unincorporated areas within Broward County, but has no application outside of Broward County. The provisions of this Emergency Order shall serve as minimum standards, and municipalities within Broward County may establish more stringent standards within their jurisdictions, to the extent permitted by law. Any provision(s) within this Emergency 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 Emergency Order or (b) imposes stricter closures than set forth herein, shall be deemed inapplicable and deemed to be severed from this Emergency Order, with the remainder of the Emergency Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Emergency Order is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Emergency Order.”

Section 2. Applicability; Severability.

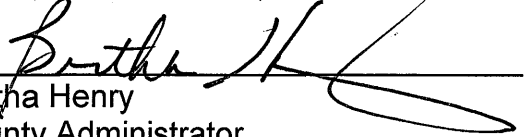
This Emergency Order applies to incorporated and unincorporated areas within Broward County, but has no application outside of Broward County. Any provision(s) within this Emergency Order that (i) conflict(s) with any state or federal law or constitutional provision, or (ii) conflict(s) with or are superseded 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 Emergency Order or (b) imposes stricter closures than set forth herein, shall be deemed inapplicable and deemed to be severed from this Emergency Order, with the remainder of the Emergency Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Emergency Order is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Emergency Order.

Section 3. Effective Date; Duration.

This order shall be effective as of 12:01 a.m. on May 18, 2020. This Emergency Order shall expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent Emergency Order.



BROWARD COUNTY, FLORIDA

By: 
Bertha Henry
County Administrator

RECEIVED AND FILED in the Records, Taxes and Treasury Division on this 16th day of May, 2020, at 4:15 a.m. (p.m.)