

**BROWARD COUNTY ADMINISTRATOR'S
EMERGENCY ORDER 20-18**

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, on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic;

WHEREAS, on March 13, 2020, President Trump declared a national emergency concerning COVID-19;

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention ("CDC") recommends implementation of community mitigation strategies to increase containment of the virus;

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 COVID-19, and other emergency powers including under the state-approved emergency management plan had previously been delegated to me (as further outlined below);

WHEREAS, on April 28, 2020, as part of a coordinated effort with the local municipalities and the adjoining counties, I reopened certain parks, golf courses, and other recreational facilities in Broward County pursuant to the guidelines in Broward County Emergency Order 20-18

County Emergency Order 20-08, as amended by Broward County Emergency Order 20-09;

WHEREAS, beginning on April 29, 2020, Governor DeSantis issued a series of Executive Orders, including Executive Orders 20-112, 20-120, and 20-123, establishing Phase 1 of a step-by-step plan for Florida's recovery (initially excluding Broward, Miami-Dade, and Palm Beach Counties) and permitting certain additional activities for individuals;

WHEREAS, on May 14, 2020, Governor DeSantis issued Executive Order 20-122 permitting Broward and Miami-Dade Counties to participate in the Phase 1 reopening;

WHEREAS, beginning on May 21, 2020, I issued a series of Emergency Orders including Emergency Orders 20-12, 20-13, 20-14, 20-15, and 20-16, which outline the establishments currently permitted to operate in Broward County and incorporate guidelines and requirements for safe operations for opened businesses, amenities, and services;

WHEREAS, in order to increase public awareness of the safety and sanitation measures required to protect public health, on June 12, 2020, I issued Emergency Order 20-17 requiring retail establishments and restaurants to post signage containing information regarding sanitization, social distancing, and facial covering requirements; and

WHEREAS, given an increase in positive reported cases of COVID-19 within our County and the state as a whole, I now find it necessary to impose additional requirements for establishments within the County that fail to comply with the established guidelines;

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. Closures for Failure to Comply with Applicable Guidelines

Commencing at 12:01 a.m. on Friday June 26, 2020, in addition to being subject to the penalties set forth in Section 8-56 of the County's Code of Ordinances, any establishment (as defined in Emergency Order 20-12) that is cited by the applicable code enforcement or law enforcement authority for operating in a manner inconsistent with or otherwise in violation of any Broward County Emergency Order shall close immediately. Such establishment may reopen only after (1) a minimum of a twenty-four (24) hour period during which the establishment shall conduct a thorough review of the County's applicable Emergency Orders, including Emergency Order 20-12, as amended, and all applicable attachments thereto, and take all necessary measures to bring the establishment into compliance with the requirements of such Emergency Orders; and (2) submitting a fully executed attestation under penalty of perjury by the owner, general manager, or chief executive officer of the establishment, in the form attached hereto, to the County by email to reopening@broward.org, attesting that the review has been completed and the required measures have been taken, and receipt of County's acknowledgment of a valid executed attestation form. In addition, the establishment shall, within five (5) calendar days after reopening, submit to inspection and be inspected by local code enforcement

or law enforcement authorities to confirm the violation has been corrected. Any repeat violation by the establishment cited by the applicable code enforcement or law enforcement authority shall be presumed a knowing violation subject to a fine of up to fifteen thousand dollars (\$15,000) under Section 8-56(b)(2).

Section 2. Applicability; Severability.

This Emergency Order supersedes and replaces 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 3. Effective Date; Duration.

This order shall be effective as of 12:01 a.m. on Friday, June 26, 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 24th day of June, 2020, at 10:30 a.m./p.m.

Attestation of Compliance with Broward County's Reopening Guidelines

1. I am the _____ [POSITION] of _____ [NAME OF ESTABLISHMENT], located at _____ [ADDRESS], and hereby affirm under penalty of perjury that I have reviewed Broward County's Emergency Order 20-12, as amended, and all applicable attachments thereto, which were developed and promulgated to limit the spread of COVID-19 and to allow certain establishments to operate safely during this global pandemic.

2. I understand the establishment mentioned above may only operate in compliance with Broward County's Emergency Orders, including Emergency Order 20-12, as amended, and all applicable attachments thereto.

3. I affirm that the establishment mentioned above has taken all necessary steps to comply with Broward County Emergency Orders.

4. I understand that future violations could result in additional closures, fines, and even imprisonment in accordance with Section 8-56 of the Broward County Code of Ordinances.

Under penalties of perjury, I declare that I have read the foregoing Attestation and that the facts stated in it are true.

Signature of owner or other authorized agent

Date