BROWARD COUNTY ADMINISTRATOR'S
EMERGENCY ORDER 20-20

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, the County Administrator 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, and 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 the County Administrator 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 the County Administrator (as further outlined below);

WHEREAS, beginning on May 21, 2020, the County Administrator issued a series of Emergency Orders, including Emergency Order 20-12, that outline the establishments

permitted to operate in Broward County pursuant to specific guidelines and requirements for safe operation; and

WHEREAS, in light of the recent increase in positive reported cases and increase in positivity rate of COVID-19 within our County and the State of Florida, the County Administrator finds it appropriate to add limitations for on-site food service and alcohol consumption at restaurants and food establishments and to restate and expand the facial coverings requirements in order to protect public health and safety,

NOW, THEREFORE, the Broward County Administrator, pursuant to her emergency authority under Sections 8-53 and 8-56 of the Broward County Code of Ordinances, as well as the authority granted to her 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 orders as follows:

Section 1. Restaurant and Food Establishment Limited Hours

No establishment permitted to serve alcohol for on-site consumption shall serve alcohol between the hours of 12:01 a.m. and 5 a.m. for on-site consumption. In addition, no establishment that provides on-site dining shall permit on-site dining between the hours of 12:01 a.m. and 5 a.m. Nothing in this section prohibits delivery, drive-through, pick-up, or take-out services of food or alcohol during these hours.

Section 2. Facial Coverings Requirements.

A. Facial Coverings Required in All Public Spaces Where Social Distancing Cannot Be Maintained. All persons in Broward County must wear a facial covering in public spaces while outside the geographical boundaries of their residence if social

distancing of at least six feet (6') between persons not of the same household cannot be consistently maintained, unless expressly excepted herein. Facial coverings must cover the person's nose and mouth and comply with the CDC recommendations located at https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html.

B. Additional Situations Requiring Facial Coverings. In addition to the requirements in Section 2.A above, the following persons are required to wear facial coverings regardless of whether social distancing can be maintained, unless expressly excepted herein:

1) All persons in any establishment, business, or amenity (collectively referred to hereinafter as an "establishment") operating in Broward County;

2) All persons while working in any capacity in an establishment permitted to operate under any Executive Order of the Governor or any Broward County Emergency Order;

3) Members of the public when obtaining any good or service or otherwise visiting any establishment, including entering, exiting, and otherwise moving around within the establishment;

4) All workers of any establishment while involved in the preparation, handling, or service of food;

5) All persons while in any common area of a multi-family housing development or residential facility, including without limitation the reception area, hallways, and elevators; and

6) To the extent expressly required by any Executive Order of the Governor or any Broward County Emergency Order, which may include additional facial covering requirements for specific activities.

C. Persons for whom Facial Coverings are Not Required. The facial covering requirements of this Emergency Order do not apply to the following individuals under the conditions stated:

1) Children under the age of two (2), and any child, regardless of age, while under the custody of a licensed childcare facility, including daycare centers;

2) Persons receiving goods or services from a business or establishment for the shortest practical period of time during which the receipt of such goods or services precludes the wearing of a facial covering (such as eating, drinking, or receiving a facial grooming);

3) A person with a disability or medical condition that prevents the person from wearing a facial covering; establishments are encouraged to provide alternate methods for such persons to patronize the establishment, if practicable; however, any establishment may forbid any such person from entering the establishment without wearing a facial covering (a) provided the establishment offers an appropriate alternate method of patronage or accommodation to the person, if available, which method may include an accommodation that does not fundamentally alter the operations of the business establishment or jeopardize the health of that establishment's employees and other patrons, such as providing curbside service or delivery, or (b) to the extent permitted by applicable law;

4) Public health and safety, fire, and other life safety personnel, as their personal protective equipment requirements will be governed by their respective agencies; and

5) While actively engaging in strenuous physical activity or exercise that renders the wearing of a facial covering unsafe.

D. Responsibility. All persons are responsible for complying with the facial covering requirements of this Emergency Order. All establishments are responsible for ensuring all employees and patrons of the establishment comply with the facial covering requirements of this Emergency Order.

Section 3. Applicability; Severability.

The requirements of Section 2 of this Emergency Order supersede and replace Section 3 of Emergency Order 20-12 in its entirety; any references to Section 3 of Emergency Order 20-12 shall be deemed to refer to Section 2 of this 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 4. Effective Date; Duration.

This order shall be effective as of 11:59 p.m. on Thursday, July 2, 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: _____
Monica Cepero
Acting County Administrator

RECEIVED AND FILED in the Records, Taxes and Treasury Division on this 1st day of July, 2020, at 5:20 a.m./p.m.