

FLORIDA – Back to Business – COVID-19 – Executive Orders for Phases 1 and 2 (as amended through 6/30/20)

BACK TO BUSINESS ORDER

EO 20-112 https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-112.pdf
 EO 20-120 https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-122.pdf
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 EO 20-149 https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-149.pdf
 DBPR EO 2020-09 http://www.myfloridalicense.com/dbpr/os/documents/EO_2020-09.pdf

GENERAL TOPIC	SUMMARY	SECTION # EO 112
Effective	<p><u>Order 20-112</u> (Phase 1) was effective at 12:01 a.m. on May 4, 2020 (other than Miami-Dade, Broward and Palm Beach counties). Effective at 12: 01 a.m. on May 18, 2020 for entire state.</p> <p><u>Order 20-123</u> (Full Phase 1) was effective May 18, 2020</p> <p><u>Order 20-139</u> (Phase 2) was effective at 12:01 a.m. on June 5, 2020</p> <p><u>Order 20-149</u> (Elections) was effective 6/17/20.</p> <p>DBPR EO 2020-09 (Step back) was effective 6/26/20</p> <p>[Changes implemented by EO 20-149 and DBPR EO 2020-09 noted in blue.]</p>	EO 20-112 § 8, pg. 7
General	Order 20-112 and Order 20-123 provided for Phase 1 of reopening Florida businesses. Order 20-139 provides for Phase 2 of reopening Florida businesses. As of 6/5/20, all counties were in Phase 2 other than Miami-Dade, Broward and Palm Beach counties. The DBPR Order scaled back certain reopening measures effective 6/26/20.	
Opening of Resumed Businesses	<u>Phase 1</u> : In-store retail sales establishments, as well as museums and libraries, may open at no more than 50% of their building occupancies (increased from 25%). Local public museums and libraries may open at up to 50% of their capacity. DBPR will post appropriate guidance.	EO 20-112 § 4, pg. 5 EO 20-123 §1B
Restaurants, Bars	<p><u>Phase 1</u>: Restaurants and bars may operate at 50% of their building capacity, and adopt appropriate social distancing measures. Outdoor seating is permissible with appropriate social distancing.</p> <p>Step Back: All vendors licensed to sell alcoholic beverages for consumption on the premises who derive more than 50% of gross revenue from such sales shall suspend sales of alcoholic beverages for consumption on premises. Such beverages may be sold in sealed containers for consumption off premises. Restaurants may continue to operate for on-premises consumption of both food and beverages at tables so long as</p>	EO 20-112 § 3(B), pg. 4 EO 20-123 §1A EO 20-139, § 4(A), pg. 3 DBPR 2020-09 § 1, pg. 2-3

Disclaimer: The information provided in this handout is general information and not designed to be and should not be relied on as your sole source of information when analyzing and resolving a specific legal issue. Each fact situation is different; the laws are constantly changing. If you have specific questions regarding a particular fact situation, we urge you to consult with legal counsel.

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	these vendors derive 50% or less of their gross revenue from the sale of alcoholic beverages for on-premises consumption.	
Entertainment Business	<u>Phase 2:</u> Entertainment businesses, including but not limited to movie theaters, concert houses, auditoriums, playhouses, bowling alleys, and arcades, may operate at 50% of their building capacity, with appropriate social distancing between groups and appropriate sanitation.	EO 20-139 § 4(B), pg. 3
Gyms, Fitness Centers	<u>Phase 1:</u> Gyms, fitness centers may operate at no more than 50% of capacity, subject to requirements for social distancing, cleaning supplies, etc. DBPR will post appropriate best practices.	EO 20-123 §1D
Nightclubs	<u>Phase 1, 2:</u> Nightclubs deriving more than 50% of gross revenue from sale of alcoholic beverages shall continue to suspend such sale for on-premises consumption.	EO 20-112 § 3(A), pg. 4 EO 20-139, § 4(A), pg. 3
Pari-mutuel Facilities	<u>Phase 1:</u> Pari-mutuel facilities may seek to operate with a written request from the County Mayor or if no mayor the County Administrator to the Secretary of the Department of Business and Professional Regulation (DBPR) and the approval of the DBPR Secretary.	EO 20-112 § 4(C), pg. 3
Personal Services	<u>Phase 2:</u> Personal services, including but not limited to tattooing, body piercing, acupuncture, tanning and massage, may operate with appropriate safety guidelines as outlined by the Department of Health	EO 20-139 § 4(D), pg. 3
Professional Sports	<u>Phase 1:</u> Professional sports may operate, and venues may host trainings, competitions, events and games.	EO 20-123 §2
Permitting Elective Surgeries	<u>Phase 1:</u> Elective procedures may be performed so long as specific requirements are met, including the facility having ability to immediately convert facility-identified surgical and intensive care beds for treatment of COVID-19 patients in surge capacity situation, and that the facility has adequate PPE to complete all medical procedures without the facility seeking any additional federal or state assistance regarding PPE supplies.	EO 20-112 § 5, pg. 5-6
Gatherings	<u>Phase 2:</u> All persons are encouraged to avoid congregating in groups larger than 50 persons.	EO 20-139, § 2, pg. 2
Youth Activities	<u>Phase 1:</u> Organized youth activities, including youth sports teams and leagues, youth clubs and programs, child care, summer camps, and youth recreation camps, may operate.	EO 20-131, § 1, pg. 1
Elections	EO 20-149 County Canvassing Boards may begin canvassing Vote-By-Mail ballots upon completion of the public Logic & Accuracy Testing of tabulation machines/equipment; authorizes Administrative Leave for any state employee to serve as a poll worker in the county where they are an elector, under certain conditions; and encourages Superintendents of Schools to close all K-12 schools on Primary and General Election Days.	EO 20-149
Facial Coverings	Phase 1 and 2: Facial Coverings and whether it is mandatory	

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	<p>they be worn in public is being determined at the county and city level. Many localities have mandated wearing facial coverings in public. Please contact Holland & Knight if you have any concerns or would like specific information regarding certain cities or counties in Florida as it relates to facial coverings.</p> <p>See Dept of Health Advisory providing that masks “should” be worn in any situation where social distancing is not possible . https://floridahealthcovid19.gov/wp-content/uploads/2020/06/20200622-SOF-DOH-Public-Health-Advisory.pdf</p>	
Other	<p>This Order is enforced under § 252.47, Fla. Stat. Violation of the order is a second-degree misdemeanor.</p> <p>Amusement parks may submit reopening plans for approval, and counties may request ability to reopen vacation rentals.</p>	<p>EO 20-112 § 7, pg. 6</p> <p>EO 20-123 §3, 4</p>
APPENDIX AND DEFINITIONS (SUMMARY)		
Resumed/Reopened Businesses	Phase 1: This order provides for re-opening of restaurants and food establishments, in-store retail establishments, museums, and libraries, as well as for the allowance of elective medical procedures when specific conditions are met.	EO 20-112 §§ 3-5, pgs. 4-6.
Social Distancing Requirements	Phase 1: Appropriate social distancing requires maintaining a minimum of 6 feet between parties, only seating parties of 10 or fewer people, and keeping bar counters closed to seating.	EO 20-112- § 3(B), pg. 4

DISCLAIMER: This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction's Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight's COVID-19 Response Team – State and Local Orders and Regulations.

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