

**BROWARD COUNTY ADMINISTRATOR'S  
EMERGENCY ORDER 20-23**

**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; 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 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, had previously been delegated to me (as further outlined below);

**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 20-21 and 20-22, permitting certain establishments to operate in Broward County and establishing guidelines and requirements for safe operations for opened businesses, amenities, and services; and

**WHEREAS**, I find it advisable to further clarify some of the applicable guidelines and restrictions,

**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. Amendments to Emergency Order 20-22.**

Section 2, Section 3.C, and Section 4.A of Broward County Emergency Order 20-22 are amended as follows (strikethrough text represents deletions and bold and underlined text represents additions):

**“Section 2. Curfew.**

Effective commencing July 17, 2020, at 11:00 p.m., a curfew is imposed for all of Broward County, including incorporated and unincorporated areas. The curfew shall be effective from 11:00 p.m. to 5:00 a.m. each day until **Monday, August 4<sup>3</sup>**, 2020, at 5 a.m. During the period of such curfew, no person shall make use of any street or sidewalk in Broward County for any purpose, except for active-duty police, fire rescue, first responders, news media, delivery or transportation drivers, government employees, persons seeking emergency medical care, and medical, health care, and utility service personnel, persons going from their homes directly to their place of employment or returning directly to their homes from their place of employment, persons returning directly to their homes after commercial travel ending at an airport or seaport **or after one-way vehicular travel of more than 100 miles**, and persons walking their dogs or other pets within two hundred and fifty (250) feet of their residences.

**Section 3. Gatherings Prohibited.**

\* \* \*

C. Violations. Any person present at any gathering in violation of the limitations of this section shall be individually liable for a violation of this Emergency Order and subject to all applicable civil and criminal penalties. The owner(s), operator(s), and landlord(s) of residential or commercial property are individually liable for any prohibited gathering that occurs on their property, regardless of whether such persons **owner(s), operator(s), or landlord(s)** are in residence or on site at the time of the violation; however, the owner(s) **or landlord(s)** of

residential property that is under a lease with a term of six (6) months or longer shall not be individually liable under this provision.

**Section 4. Responsibility to Ensure Compliance with Applicable Orders.**

A. Residential Property Residents. All persons who reside on any residential property, whether single family or multi-family, and irrespective of whether they own or rent the property, must ensure that all persons on the residential property, including guests, comply with **the limitations on private gatherings stated in** ~~all applicable guidelines of any Broward County Emergency Order 20-22, including~~ **but residents shall not be individually liable for violations of** the facial covering requirements **by guests or other persons who are not residents of the property.** **If the residence also functions as an establishment that conducts in-person transactions with the public (such as a home-based business), the establishment must ensure all persons on the residential property comply with all applicable guidelines of Broward County Emergency Order 20-21, as amended, during all such transactions.** ~~Residents who fail to ensure compliance with all applicable Broward County Emergency Orders by such persons shall be subject to the penalties set forth in Section 8-56 of the Broward County Code of Ordinances, with each person present and in violation of an applicable Emergency Order constituting a separate violation."~~

**Section 2. Amendments to Emergency Order 20-21.**

A. Section 1.B, Sections 2.D and 2.E, and Section 3.B of Emergency Order 20-21 are amended as follows (strikethrough text represents deletions and bold and underlined text represents additions):

**“Section 1. Businesses Permitted to Operate.**

\* \* \*

B. The following guidelines to the extent applicable to the type of establishment or the specific use(s) operating within such establishment:

\* \* \*

18) Short-Term Vacation Rental Reopening Plan ~~[not currently permitted to operate per Section 2 below, with limited exceptions]~~  
**(only vacation rentals that are (a) actively managed by on site owners or on-site management companies with staffing or security personnel on-site 24 hours a day, for check-ins on or after July 20, 2020, but before August 20, 2020, and provided the owner/manager provides the physical address of the vacation rental, the contact email address for the owner/manager, and the contact name and telephone number for the 24/7 staffing or security personnel to [reopening@broward.org](mailto:reopening@broward.org)); or (b) rentals by persons performing military, emergency, governmental, health, or infrastructure response to the COVID-19 pandemic, or persons primarily engaged in non-vacation commercial activities):**

**Attachment 18;**

\* \* \*

**21) Outdoor Open-Air Special Events (outdoor open-air events that are not permitted to operate under an applicable Emergency Order or Attachment thereto or are not part of the regular day-to-day operations of the establishment): Only pursuant to a reopening or operating plan (which must include, without limitation, appropriate operational safeguards, attendance limits such as persons per square feet, sanitation procedures, facial covering requirements, and staffing/security) approved in writing by the Broward County Administrator.**

\* \* \*

**Section 2. Businesses and Establishments Not Permitted to Operate.**

\* \* \*

D. **All h**Hot tubs, **steam rooms, saunas, and jacuzzis, unless located in or on a single-family residential lot, a single townhouse unit, or any part of a duplex lot;** and

E. Short-term vacation rentals that are not actively managed by on site owners or on-site management companies, with staffing or security **personnel** on-site 24 hours a day, for check-ins on or after July 20, 2020, but before August 20, 2020, except for rental by persons performing military, emergency, governmental, health, or infrastructure response to the COVID-19 pandemic, or persons primarily engaged in non-vacation commercial activities.

\* \* \*

### Section 3. Facial Covering Requirements.

\* \* \*

“B. Persons for whom Facial Coverings are Not Required. To the greatest extent practicable, facial coverings are recommended to be worn at all times when near other persons who are not members of your household; however,

~~t~~The facial covering requirements of this Emergency Order do not apply to the following individuals under the conditions stated:

\* \* \*

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

\* \* \*

5) ~~While actively engaging in strenuous physical activity or exercise that renders the wearing of a facial covering unsafe, including while swimming or otherwise in a pool, ocean, or other body of water, provided that social distancing of at least six feet (6') between persons not of the same household is maintained to the maximum extent practicable;~~ or when subject to an express facial covering exemption in an applicable Broward County Emergency Order or an Attachment thereto; and

\* \* \*

**7) Residents while within the boundaries of their private residential property (indoors and/or outdoors); and guests or other persons at such residences when no more than four (4) guests or other persons not a part of the residential household are present (at all other times when the required social distancing cannot be maintained, unless another exception applies, facial coverings must be worn by all guests and other persons not a part of that household). Even when facial coverings are not required under this section, all persons are strongly encouraged to wear facial coverings when social distancing between persons of different households cannot be consistently maintained. Nothing in this exception modifies the private gathering limitations of Emergency Order 20-22, Section 3.A, as amended.”**

B. Attachment 2 to Broward County Emergency Order 20-21 is replaced in its entirety with Attachment 2 hereto to limit the size of a group or party at any table at a restaurant or food establishment to a maximum of six (6) persons total.

C. Attachment 15 to Broward County Emergency Order 20-21 is replaced in its entirety with Attachment 15 hereto to exempt certain environmental projects from the sunrise/sunset limitations for beach access.

### **Section 3. Required Signage by All Establishments.**

All establishments that conduct in-person transactions with the public, other than parks and beaches, must conspicuously post certain signage in compliance with this section. The signage requirements of this Emergency Order also apply to any mixed-use establishments that have a retail or food area within the establishment. This Section 3



replaces Section 1 of Broward County Emergency Order 20-17 in its entirety, and any reference to Emergency Order 20-17 shall be deemed to refer to this Section 3.

A. All signage required by this section must comply with the following guidelines:

1. Placed conspicuously for easy visibility throughout the establishment, including at **all** entry points (including entry between outdoor and indoor portions of the establishment);
2. Each sign (including each language version) at least 8.5" x 11" in size;
3. Printed in color (unless impracticable); and
4. Posted in at least English, Creole, and Spanish languages versions at the main entry point(s).

B. All restaurants and food establishments must post the signage designated **"Restaurants and Food Establishments Required Signage."**

C. All establishments that conduct in-person transactions with the public, other than parks, beaches, restaurants, and food establishments, must post the signage designated **"All Commercial Establishments Required Signage."**

D. All signage required by this section is available for high-resolution download at [www.broward.org/CoronaVirus/Pages/EmergencyOrders.aspx](http://www.broward.org/CoronaVirus/Pages/EmergencyOrders.aspx).

#### **Section 4. Applicability of Broward County Emergency Orders to Schools.**

Notwithstanding any other provision in any Emergency Order, this Section 4 sets forth the applicability of Broward County Emergency Orders to schools and other academic institutions operating in Broward County. As used herein, "schools" includes all entities defined in Section 1003.01(2), Florida Statutes, that operate in Broward

County, whether operated by or under the jurisdiction of The School Board of Broward County or operated as private or religious institutions or home education programs, and all other academic institutions operating in Broward County, such as trade schools or those providing post-high school education, but excluding pre-K childcare facilities (which are considered establishments and therefore are subject to all applicable Broward County Emergency Orders).

A. Schools are Excluded from Definition of Establishments. Schools are not “establishments” as that term is used in Broward County Emergency Orders, and therefore are not subject to the requirements and guidelines imposed on establishments. In addition, while facial coverings are encouraged, schools are not required to comply with the facial covering or the gathering limitations of Broward County Emergency Orders, except as stated in Sections 4.B and 4.C below.

B. Private School Reopening Plans. All schools that are not operated by or under the jurisdiction of The School Board of Broward County, such as private or religious schools, are encouraged to develop and operate in accordance with a reopening plan that complies with CDC Guidelines.

C. Extra-Curricular and Non-Academic Activities. All extracurricular and/or non-academic activities of schools operating in Broward County must comply with the requirements of Attachment 16 (Youth Activities and Summer Camps) to Emergency Order 20-21, as amended, but not any other Attachment notwithstanding anything otherwise stated in Attachment 16 or any Emergency Order or Attachment thereto. This section applies to after-school activities of schools such as organized sports or clubs, but

does not apply to extracurricular courses, as defined by Section 1003.01(15), Florida Statutes, or disciplinary activities of schools.

**Section 5. 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. Terms defined in Emergency Order 20-21 shall retain the same meaning to the extent used herein. This Emergency Order and all Broward County Emergency Orders apply to all incorporated and unincorporated areas within Broward County, but have 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 6. Effective Date; Duration.**

This order shall be effective immediately. 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  
Bertha Henry, County Administrator

RECEIVED AND FILED in the Records, Taxes and Treasury Division on this 29<sup>th</sup> day of July, 2020, at 1:02 a.m./p.m.

