

**BROWARD COUNTY ADMINISTRATOR'S
EMERGENCY DIRECTIVE 21-A**

WHEREAS, pursuant to Section 252.38, Florida Statutes, Broward County is under a declared Local State of Emergency as a result of the COVID-19 global pandemic;

WHEREAS, the United States Centers for Disease Control and Prevention (“CDC”) has designated the B.1.617.2 variant of the COVID-19 virus, known as the “Delta” variant, a “variant of concern” for which there is evidence of an increase in transmissibility, more severe disease (e.g., increased hospitalizations or deaths), significant reduction in neutralization by antibodies generated during previous infection or vaccination, reduced effectiveness of treatments or vaccines, and/or diagnostic detection failures (see <https://www.cdc.gov/coronavirus/2019-ncov/variants/variant-info.html#Concern>);

WHEREAS, the CDC has rated the level of community transmission in Broward County as “high,” based on more than 100 new cases per 100,000 persons in the past 7 days;

WHEREAS, the latest data from the CDC indicates that the 7-day totals and moving averages for Broward County are 9,081 new cases (465.03 cases per 100,000 people; a 49.98% increase in 7 days), a 17.25% percent positivity (a 2.77% increase in 7 days); and 1,071 COVID-19 new hospital admissions (a 14.79% increase in 7 days) (see <https://covid.cdc.gov/covid-data-tracker/#county-view>);

WHEREAS, adequate hospital and ICU capacity must be preserved so Broward County residents and visitors requiring hospital or ICU care, whether for COVID-19 or other acute health issues, are able to access that care; without adequate capacity available, including both physical facilities and necessary staffing, hospitals will be unable

to provide required care for Broward County residents and visitors, whether for COVID-19 or for other emergency health needs; and

WHEREAS, Broward County needs certain limited, specific information, provided directly by the applicable hospitals to a single repository on a timely and accurate basis, to ensure continued bed capacity at its area hospitals and to ensure local efforts to combat the COVID-19 virus are as effective as possible, which are hereby determined by the Broward County Administrator to be compelling public health and safety purposes,

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 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. Recitals.

I hereby find and determine that the above recitals are true and correct and such recitals are incorporated herein by reference.

Section 2. Hospital Reports Required

A. For the duration of this Emergency Directive 21-A, each hospital shall report, by 11 a.m. each day, the following information from the prior day for each of its hospital location(s) physically located in Broward County:

1. Total staffed hospital beds;
2. Current staffed General Acute Care beds (not including OB, Pediatric, or Specialty/Rehab beds);
3. Current staffed inventory of Intensive Care Unit (ICU) beds for:

- (a) Adult
 - (b) Pediatric
- 4. Total number of unused beds that can be converted to ICU beds;
- 5. Total number of ventilators in hospital inventory (whether in use or not);
- 6. Total census for all beds;
- 7. Total census for General Acute Care beds;
- 8. Total census for ICU beds for:
 - (a) Adult
 - (b) Pediatric
- 9. Total number of ventilators in use for all patients (including patients not admitted for COVID-19);
- 10. Total COVID-19 positive patients currently admitted;
- 11. Total COVID-19 positive patients in ICU beds for:
 - (a) Adult
 - (b) Pediatric
- 12. Total COVID-19 positive patients on a ventilator;
- 13. New COVID-19 positive patients admitted since the prior day's reporting;
- 14. COVID-19 positive patients discharged since the prior day's reporting;
- 15. If available, the number of COVID-19 positive patients admitted who were fully vaccinated (two weeks post final dose); and
- 16. If available, the number of COVID-19 positive patients admitted who were unvaccinated or not fully vaccinated (not yet two weeks post final dose).

B. Reports shall be submitted electronically to Broward County Emergency Management through the WebEOC COVID-19 Hospital Report Board. No hospital shall transmit any individually identifiable patient health information that is protected from disclosure pursuant to federal or state law.

C. If a hospital believes that all or some of this information is trade secret, as defined in Florida Statutes Section 688.002, the hospital shall conspicuously label such information "Confidential Trade Secret" and indicate the assertion of trade secret protection when it transmits that information.

Section 3. Applicability; Severability.

This Emergency Directive is not, is not intended to be, and shall not be construed as an "emergency order" as defined by Section 252.38(4)(a), Florida Statutes, that limits the rights or liberties of individuals or businesses within Broward County. This Emergency Directive applies to all incorporated and unincorporated areas within Broward County, but has no application outside of Broward County or to federally operated hospitals, including but not limited to a Veterans Affairs hospital or clinic. The provisions of this Emergency Directive 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 Directive 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 expressly preempts the substance of this Emergency Directive, shall be deemed inapplicable and deemed to be severed from this Emergency Directive, with the remainder of the Emergency Directive

remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Emergency Directive is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Emergency Directive.

Section 4. Effective Date; Duration.

This Emergency Directive shall be effective on August 5, 2021, and 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 Directive or Order.

BROWARD COUNTY, FLORIDA

By: 
Bertha Henry, County Administrator

RECEIVED AND FILED in the Records, Taxes and Treasury Division on this 3rd day of August, 2021, at 3:51 a.m./p.m.

