

**BROWARD COUNTY ADMINISTRATOR'S
EMERGENCY ORDER 20-28**

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 Ron 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 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, since March 2020, I have issued a series of Emergency Orders designed to curb the spread of COVID-19;

WHEREAS, on September 25, 2020, Governor DeSantis issued Executive Order 20-244, advancing the State of Florida into Phase 3 of the state's reopening and

preempting local governments from taking certain actions with respect to closures and capacity limitations for certain establishments;

WHEREAS, the provisions of Governor DeSantis' Executive Order 20-71, issued on March 20, 2020, that allow certain businesses to sell alcohol for off-premises consumption remain in effect;

WHEREAS, the regulation of establishments via imposition of certain common-sense measures designed to curb the spread of COVID-19 continues to be necessary to protect the public health and welfare of Broward County residents; and

WHEREAS, based on available data and trends in Broward County, I find it advisable to modify the rules applicable to restaurants, bars, nightclubs, and other establishments serving food or alcohol,

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 Attachments to Broward County Emergency Order 20-21.

Attachment 2 (All Establishments Serving Food or Alcohol) to Broward County Emergency Order 20-21 is replaced in its entirety with the attached revised Attachment 2 to allow on-premises consumption of food and alcohol, sale of alcohol for off-premises consumption, and consumption of alcohol in public until midnight instead of 11 p.m. Modifications to Attachment 2 are shown by underline and bold (indicating added

language) and strikethrough (indicating deleted language).

Section 2. Amendment to Section 1 of Emergency Order 20-24

Section 2 of Emergency Order 20-24 is amended as follows (strikethrough text represents deletions and bold and underlined text represents additions):

“Section 2. Prohibition on Open Containers.

Between the hours of ~~11 p.m.~~ **midnight** and 5 a.m., no person in Broward County may consume any alcoholic beverage in or upon any area available for use by the public, which includes beaches, beach boardwalks and other pedestrian areas, parks, streets, highways, sidewalks, parking lots and parking areas, and any public area that is immediately adjacent to an establishment where alcoholic beverages are sold or dispensed.”

Section 3. Applicability; Severability.

This Emergency Order supersedes and replaces any contrary provision in any prior Broward County Emergency Order. Except as superseded or preempted all Broward County Emergency Orders remain in full force and effect. Terms defined in Emergency Order 20-21, as amended, 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 4. 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, County Administrator

RECEIVED AND FILED in the Records, Taxes and Treasury Division on this 16th day of October, 2020, at 11:39 a.m./p.m.



ATTACHMENT 2
ALL ESTABLISHMENTS SERVING FOOD OR ALCOHOL

Establishments serving food and/or alcohol must comply with all applicable guidelines in any Broward County Emergency Order, including **Attachment 1**, this **Attachment 2**, and any applicable CDC Guidelines.

A. Capacity Limits:

1. Establishments licensed to serve food can ~~have~~ **operate with** a minimum indoor occupancy of **up to 50% indoor capacity**. Distancing requirements and table occupancy requirements do not apply to the extent they would preclude an establishment from operating at ~~a minimum of 50% of their~~ **its** indoor capacity, but social distancing should be maintained to the maximum extent possible.

2. Establishments licensed to serve food may **only** operate at greater than 50% and up to 100% of indoor capacity if the establishment: maintains 6 feet of distance between occupied tables at all times; limits parties to no more than 6 people at a table at any one time; and ensures that people wear facial coverings at all times except when actively eating or drinking.

3. Establishments that are not licensed to serve food must operate at no more than 50% of the establishment's indoor capacity.

4. For all establishments subject to this **Attachment 2**, total combined occupancy of indoor and outdoor areas ("outdoor areas" means areas with exclusively open-air customer seating) shall not exceed existing total maximum occupancy (100%) for the establishment.

5. No more than 10 people may congregate at or near any establishment subject to this **Attachment 2** (e.g., at the entrance, exit, waiting area, or near restrooms), including food trucks, at any time. ~~Any person~~ **Persons** in line must maintain at least 6 feet between **themselves and** persons not of the same household. If more than 10 people are congregated around multiple food trucks, the food trucks must be separated by at least 50 yards.

B. Operations Requirements:

1. On-premises sale, service, and consumption of food and/or alcohol is prohibited between the hours of ~~11 p.m.~~ **midnight** and **5 a.m.** This subsection does not limit or prohibit operations other than on-premises dining (including food preparation/cooking, facility cleaning, or food delivery/take-out services) between the hours of ~~11 p.m.~~ **midnight** and **5 a.m.**

2. Sale of alcohol for off-site consumption, including for pick-up, take-out, drive-through, and delivery, is prohibited between the hours of **11 p.m. midnight** and **5 a.m.**

3. As provided in Section 2 of Emergency Order 20-24, between the hours of **11 p.m. midnight** and **5 a.m.**, no person in Broward County may consume any alcoholic beverage in or upon any area available for use by the public, which includes beaches, beach boardwalks and other pedestrian areas, parks, streets, highways, sidewalks, parking lots and parking areas, and any public area that is immediately adjacent to an establishment where alcoholic beverages are sold or dispensed.

4. Bar counters may be open to seating by the public, but at least 6 feet must be maintained between parties (parties refers to all people within a group or table; parties may not exceed 6 people). A plexiglass partition must be placed between patrons seated at a counter and any staff working on the other side of the counter.

5. All establishments must restrict ordering and consumption of food or beverages by patrons for on-premises consumption to only while such patrons are (i) seated at their assigned seat; or (ii) where required to achieve the **minimum capacity requirements minimally permitted 50% indoor capacity**, standing at an assigned table or in an assigned area and segregated in a group that is no more than 6 people that consistently maintains at least 6 feet of social distancing at the nearest point from any other patron or group of patrons. Patrons are not otherwise required to maintain 6 feet of social distancing when not consuming food or drinks provided that they are wearing facial coverings.

6. People must wear facial coverings at all times including while standing, seated at a table, moving around the establishment, or on the dance floor, as required by the facial covering requirements. People may only remove their facial covering for the shortest amount of time **reasonably** necessary to eat or drink, or as otherwise permitted by a Broward County Emergency Order.

7. All establishments subject to this Attachment, including bars and nightclubs, must conspicuously post the Restaurants and Food Establishments Required Signage in accordance with Emergency Order 20-23.

8. Except to the extent prohibited by Section B.2 above, drive-through, curbside, take out, or delivery service may continue in accordance with CDC Guidelines and all applicable Broward County Emergency Orders, provided that social distancing of at least 6 feet between persons not of the same household is maintained at all times and the patron(s) obtaining the food or beverage(s) immediately leave the establishment upon receipt of the ordered items.

9. Ensure adequate supplies to support healthy hygiene practices for both employees and customers, including soap, hand sanitizer with at least 60% alcohol, and tissues, and make hand sanitizer readily available to guests. Signs on how to stop the

spread of COVID-19, including signs on properly washing hands, everyday protective measures, facial coverings, and social distancing should be conspicuously posted.

10. To the extent possible, establishments shall provide single use disposable one-time menus, utilize chalkboard menus, digital menus that are sanitized after each use, other digital menu options available on a personal device, or other means to avoid customers sharing such items.

11. Whenever possible, use disposable (and when possible, biodegradable) food service items (utensils, dishes, cups, etc.) and single serving seasonings and condiments to avoid customers sharing such items. If disposable items are not feasible, ensure that all non-disposable food service items are handled with gloves and are washed in between each customer usage with dish soap and hot water or in a dishwasher. Establishments must use packets or pre-rolled bags or wraps of utensils and eliminate table presets. Avoid using food and beverage implements brought in by customers.

12. Use touchless payment options whenever available. Ask customers and employees to exchange cash or card payments by placing on a receipt tray or on the counter rather than passing hand to hand. Sanitize any pens, counters, or hard surfaces between each use.

13. Ensure that ventilation systems operate properly to provide adequate air circulation in all parts of the facility and increase circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods.

14. Provide physical guides, such as tape on floors or sidewalks, to ensure that customers remain at least feet 6 apart when in lines. Ask customers to wait in their cars or away from the establishment while waiting for a table or to pick up food. If possible, alert patrons on their cellphone that their table or food is ready to avoid use of restaurant provided "buzzers." Post signs to inform customers of food pickup protocols.

15. Use placards or other easily visible means to identify tables closed due to social distancing and to identify tables that have been sanitized and are ready for the next use.

16. Restrict the number of employees in shared spaces, including kitchens, break rooms, and offices to maintain at least a 6-foot distance between people if possible; employees must wear facial coverings. Where possible, stagger workstations instead of having employees standing opposite one another. If there is a break room, limit the number of employees simultaneously allowed inside.

17. Wherever possible, install physical barriers, such as sneeze guards and partitions, at cash registers, check-in stations, food pickup areas, and other areas where consistently maintaining physical distance of 6 feet is difficult.

18. Ensure that all suppliers and third-party delivery staff are aware of social distancing requirements of at least 6 feet.

19. Child gaming and play spaces, including bounce houses, playgrounds, and ball pits, located in dining establishments must remain closed.

20. Adult games, including darts, arcade games, billiards, and other similar games, may operate provided that all other requirements of this **Attachment 2** are complied with, including the requirement that food and beverages be consumed exclusively while patrons are seated at their assigned table or as otherwise permitted in this Attachment 2. While playing games, patrons are not permitted to consume food or beverages and must continue to adhere to the facial covering requirements of Broward County Emergency Orders Order 20-21.

21. Consider options for a reservations-only model or to have dine-in customers order ahead of time to limit the amount of time spent in the establishment.

22. All buffet-style food or salad bars must be served by staff. Self-service buffets and salad bars are prohibited. Self-service drink stations must provide single use tissues or wipes to use the equipment, and the stations must be washed and sanitized frequently. Remove cut fruit, unwrapped utensils, and unwrapped straws from drink stations.

23. Any rental of space at the establishment for a private event must also comply with the guidelines for function spaces stated in **Attachment 20**.

24. Any performer providing live entertainment at the establishment must maintain at least 10 feet of distance from patrons at all times.

C. Sanitation and Safety Requirements:

1. Employers must enforce hand washing and use of facial coverings by employees in accordance with Broward County Emergency Orders. This includes the requirement that all staff must wear facial coverings at all times. All employees handling, preparing, or serving food must wear facial coverings. Food preparers are also required to wear gloves while handling food.

2. Clean and disinfect frequently touched surfaces (for example, door handles, workstations, cash registers), and frequently shared objects (for example, payment terminals, tables, countertops/bars, receipt trays, pens, condiment holders, and any re-used menus) between each use. Tables and other dining areas must be sanitized after each use. Host stations must be sanitized at least hourly. Use products that meet EPA's criteria for use against COVID-19 and that are appropriate for the surface.

3. Restrooms must be sanitized no less frequently than hourly.

4. Implement procedures to increase how often you clean and sanitize surfaces in the back-of-house (non-public areas of the establishment). Ensure that disinfectants used on food contact surfaces are appropriate and do not leave a toxic residue.

5. Train all employees in the above safety protocols, in addition to the importance of frequent handwashing, and give them clear instructions to avoid touching hands to face.

6. Conduct daily health checks (e.g., temperature and/or symptom screening) of employees in accordance with any applicable privacy laws and regulations. Remind employees to report any illness to their manager and have them verify that they have not had any COVID-19 symptoms each day prior to them coming to work.

7. Employees with symptoms of COVID-19 (fever, cough, or shortness of breath, among others) at work should immediately be sent home. Provide with or refer sick staff members to the CDC guidelines and advise them not to return until they have met the CDC's criteria to discontinue home isolation. Sick employees not exhibiting COVID-19 symptoms should also be immediately sent home and not be allowed to return until they are symptom-free.

8. Notify local health officials, staff, and customers (if possible) immediately of any confirmed case of COVID-19 while maintaining confidentiality as required by HIPAA, the Americans with Disabilities Act (ADA), or other applicable laws.

9. Deep clean the establishment at least once every twenty-four hours.