BROWARD COUNTY ADMINISTRATOR'S
EMERGENCY ORDER 20-06

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;

WHEREAS, on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic;

WHEREAS, 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") and the Florida State Department of Health recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing of at least six (6) feet between persons in smaller gatherings;

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, on March 19, 2020, Miami-Dade Mayor Carlos Gimenez signed Emergency Order 07-20, closing all nonessential businesses in Miami-Dade County and creating a list of essential businesses that are permitted to continue to operate in Miami-Dade County;

WHEREAS, on March 21, 2020, I signed Broward County Emergency Order 20-01, directing all nonessential businesses to close except to the extent they were permitted to operate under said order;

WHEREAS, on March 30, 2020, Governor DeSantis executed Executive Order 20-89, ordering Miami-Dade County, Broward County, Palm Beach County, and Monroe County to restrict access to businesses and facilities deemed nonessential pursuant to the guidelines established by Miami-Dade County Emergency Order 07-20, as modified by subsequent amendments and orders prior to March 30, 2020 (collectively, the "Miami-Dade Emergency Order 07-20");

WHEREAS, on April 1, 2020, Governor DeSantis issued Executive Order 20-91, ordering all persons in Florida to limit their movements and personal interactions outside their homes to only those necessary to obtain or provide essential services or conduct essential activities;

WHEREAS, Executive Order 20-91, as amended, supersedes any local government orders to the extent they are inconsistent with Executive Order 20-91, as amended, but permits the County to institute additional precautions to prevent the spread of COVID-19 where such precautions are not in conflict with the Governor's orders; and

WHEREAS, this Emergency Order is issued to implement the Governor's Executive Orders 20-89 and 20-91, as amended;

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. Emergency Order 20-01, as amended by Emergency Order 20-03, is hereby replaced in its entirety with this Emergency Order 20-06.

Section 2. The Governor's Executive Order 20-89 requires Broward County to restrict public access to business and facilities deemed nonessential under Miami-Dade Emergency Order 07-20. The Governor's subsequent Executive Order 20-91 orders that all persons in Florida limit their movements and personal interactions outside of their homes to only those necessary to obtain or provide essential services or conduct essential activities. Pursuant to the requirements of the Governor's Executive Order 20-89, Broward County is hereby restricting all public access to businesses and facilities deemed nonessential under Miami-Dade Emergency Order 07-20. This order is in addition to, and subject to, the provisions of the Governor's Executive Order 20-91.

Section 3. Broward County hereby adopts the list of essential services established by the Governor pursuant to the Governor's Executive Order 20-91, including as may be modified pursuant thereto. Except as otherwise stated in Section 4 below, Broward County hereby orders closed all nonprofit, retail, and commercial establishments that are not (a) essential services pursuant to Executive Order 20-91, or (b) essential businesses pursuant to Miami-Dade Emergency Order 07-20.

Section 4. All businesses providing essential services are strongly encouraged to:

a. Provide alcohol-based hand sanitizers for use by customers and employees;

b. Provide disinfecting wipes at points of entrance, cash registers, and/or other appropriate locations for customers to disinfect carts, shopping baskets, and point of sale terminals; or, alternatively, designate staff responsible for disinfecting carts, shopping baskets, and points of sale terminals after each customer use; and

c. Implement procedures for custodial or janitorial staff to sanitize frequent touchpoints through the day, including point of sale terminals at registers, conveyor belts, door handles, door plates, shelves, and other appropriate locations.

Section 5. Nothing in this Emergency Order prohibits nonessential services solely to the extent necessary to perform Minimum Basic Operations, provided such entities practice, and ensure persons interacting with and within such entities practice, social distancing and all other measures as advised by the CDC, including keeping six (6) feet between persons and limiting group size to less than ten (10) people. "Minimum Basic Operations" means the minimum activities necessary to maintain the value of inventory, preserve plant and equipment condition, ensure security, process payroll and employee benefits, and facilitate employees working remotely. While the County is not prohibiting the performance of Minimum Basic Operations, believing that such performance is necessary for essential purposes including to facilitate the remote operation of essential and nonessential services, it is hereby noted that such activity may not be expressly authorized by Executive Order 20-91.

Section 6. This Emergency Order does not limit religious services at any location, but all persons performing or attending religious services are urged to fully comply with all measures advised by the CDC including limiting gatherings to no more than ten (10) people and practicing social distancing of at least six (6) feet between persons.

Section 7. Except as otherwise provided or required by any applicable Executive Order, this order does not affect or limit the operations of Broward County, any public utility, any municipality, the Broward County School District, the North Broward Hospital District, the South Broward Hospital District, any other local government entity in Broward County, or any State or federal office or facility.

Section 8. Applicability; Severability.

This Emergency Order shall apply to entities based upon their regular course of services as of March 21, 2020; any change to an entity's scope of services after March 21, 2020, shall not modify the characterization of the entity as essential or nonessential. This Emergency Order applies to incorporated and unincorporated areas within Broward County, but has no application outside of Broward County. Any provision(s) within this Emergency Order that conflict(s) with any state or federal law or constitutional provision, or conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States, 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 9. Effective Date; Duration.

This order shall be effective as of 12:01 a.m. on Friday, April 10, 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: Bertha Henry
Bertha Henry
County Administrator

RECEIVED AND FILED in the Records, Taxes and Treasury Division on this 9 day of April, 2020, at 4:45p.m.

COUNTY COMMISSIONERS
CREATED
OCT 1st
1915
BROWARD COUNTY FLORIDA