

FLORIDA GOVERNOR'S COVID-19 EMERGENCY ORDERS A SUMMARY MEMORANDUM¹

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Dear Colleagues:

This Memorandum provides internet links to and summarizes for the Florida Real Property, Probate and Trust Law practitioner Florida Governor DeSantis Emergency Orders concerning the COVID-19 pandemic through **EO-2020-83 issued March 24, 2020.** Executive Orders refer and build upon prior orders; thus, the Orders are organized in chronological order. Orders are posted at: <https://www.flgov.com/2020-executive-orders/>

2020-51, Coronavirus Response Protocol and Directs Public Health Emergency (March 1, 2020)

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-51.pdf

- Directs the declaration of a public health emergency in the State of Florida.
- Directs the State Health Officer to follow the guidelines established by the CDC in establishing protocols to control the spread COVID-19, and educate the public on prevention.
- Designates the Florida Department of Health as the lead state agency to coordinate emergency response activities among the various state agencies and local governments.
- Florida Department of Health will actively monitor, at a minimum, all persons meeting the definition of a Person Under Investigation ("PUI") as defined by the CDC for COVID-19 for a period of at least 14 days or until the PUI tests negative for COVID-19. Active monitoring by the Florida Department of Health will include at least the following:
 - Risk assessment within 24 hours of learning an individual meets the criteria for a PUI.
 - Twice-daily temperature checks.
- The Florida Department of Health to make its own determinations as to quarantine, isolation and other necessary public health interventions as permitted under Florida law.

2020-52, COVID-19 Public Health Emergency (March 9, 2020, Expires in 60 Days Unless Extended)

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-52.pdf

- Declaration of a State of Emergency.

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- Director of the Division of Emergency Management ("Director") is the State Coordinating Officer for the duration of this emergency, directed to execute the State's Comprehensive Emergency Management Plan.
- State Coordinating Officer authorized to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of Section 252.33, Florida Statutes, including to:
 - Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.
 - Designate additional Deputy State Coordinating Officers, as necessary.
 - Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.
 - Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of Sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.
- The Adjutant General to activate the Florida National Guard, as needed, to deal with this emergency.
- The requirements of Sections 252.46 and 120.54(4), Florida Statutes, generally addressing budgeting do not apply to any such suspension issued by the Executive Office of the Governor;
- Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency.
- Pharmacists may dispense up to a 30-day emergency prescription refill of maintenance medication to persons who reside in an area or county covered under this Executive Order and to emergency personnel who have been activated by their state and local agency but who do not reside in an area or county covered by this Executive Order.
- Each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to many areas of administration.
- Closure of State buildings authorized.
- Medical professionals and workers, social workers, and counselors with good and valid professional licenses issued by states other than the State of Florida may render such services in Florida during this emergency for persons affected by this emergency with the condition that such services be rendered to such persons free of charge, and with the further condition that such services be rendered under the auspices of the American Red Cross or the Florida Department of Health.

2020-68, Bars, Beaches and Restaurants (March 17, 2020, Expires in 30 days Unless Extended).

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-68.pdf

- Businesses with 50% of gross revenue from on premises alcohol sales shall suspend sales for 30 days from March 17, 2020.
- Public beaches are to follow the CDC guidance by limiting their gatherings to no more than 10 persons, distance themselves from other parties by 6 feet, and support beach closures at the discretion of local authorities.
- Restaurants shall immediately limit its occupancy to 50% of its current building occupancy.
- A restaurant shall follow the CDC guidance by ensuring, at minimum, a 6-foot distance between any group of patrons and limiting parties to no more than 10 individuals.
- The Department of Business and Professional Regulation shall ensure all restaurants implement employee screening and prohibit any employee from entering the restaurant premises if they meet any of the criteria listed below:
 - Any person infected with COVID-19 who has not had two consecutive negative test results separated by 24 hours;
 - Any person showing, presenting signs or symptoms of, or disclosing the presence of a respiratory infection, including cough, fever, shortness of breath or sore throat;
 - Any person who has been in contact with any person(s) known to be infected with COVID-19, who has not yet tested negative for COVID-19 within the past 14 days;
 - Any person who traveled through any airport within the past 14 days; or,
 - Any person who traveled on a cruise ship within the past 14 days.

2020-69, Public Meetings (March 20, 2020, Expires with EO 20-52).

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-69.pdf

- Concerning local government meetings:
 - Quorum and location requirements are suspended; and,
 - Electronic meeting equipment may be utilized.

2020-70, Broward and Palm Beach Closures (March 20, 2020, Expires See Below)

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-70.pdf

- All restaurants, bars, taverns, pubs, night clubs, banquet halls, cocktail lounges, cabarets, breweries, cafeterias and any other alcohol and/or food service business establishment with seating for more than ten (10) people within the incorporated and unincorporated areas of Broward County and Palm Beach County to close on-premises service of customers.
 - Such establishments may operate their kitchens for the purpose-of providing delivery services, personnel, contractors and delivery personnel shall be allowed access to such establishments.
 - This Order shall not apply to grocery stores, pharmacies, gas stations and convenience stores, except that those discrete portions of such establishments that provide alcohol and/or food service with seating for more than ten (10) people shall abide by the restrictions in Section I.
 - This order shall not apply to:

- Delivery services, pick-up or take out service provided by any of the establishments listed above to restaurants that are ancillary to essential services, including the airports, port facilities, secure facilities and hospitals.
 - Other essential services may be determined by the county administrators.
 - All movie theatres, concert houses, auditoriums, playhouses, bowling alleys, arcades, gymnasiums, fitness studios and beaches shall close. This Order shall not apply to gymnasiums or fitness centers which are:
 - Amenities of hotels which have a capacity of 10 persons or less;
 - An amenity of a residential building;
 - Interior to any fire or police stations; or,
 - Located inside any single-occupant office building.
- Closures shall expire:
 - March 31, 2020, but may be renewed upon the written request of the County Administrator.
 - The Broward County Administrator and the Palm Beach County Administrator shall have the ability to enforce, relax, modify or remove these closures, as warranted, pursuant to the directives and parameters as set forth in Executive Order 20-68.

2020-71, Alcohol Sales, Restaurants and Gyms (March 20, 2020, Expires with EO 20-52):

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-71.pdf

- Concerning the sale of alcoholic beverages, amending and superseding Executive Order 20-68, Section 1:
 - Suspends licensed vendors sale of alcoholic beverages for consumption on the premises by the drink or in sealed containers for consumption on the premises.
 - Licensed vendors may continue to sell alcoholic beverages in sealed containers for consumption off-premises.
 - The restriction in section 561.20(2)(a)4., Florida Statutes, prohibiting a specially licensed food service establishment from selling package sales of alcohol for delivery, take-out or consumption off-premises is suspended for restaurants complying with Executive Order 20-68, through the expiration of the state of emergency declared in Executive Order 20-52, including any extensions, so long as the following conditions are met:
 - Any sale of an alcoholic beverage in a sealed container for consumption off premises is accompanied by the sale of food within the same order; and,
 - Any delivery of an alcoholic beverage complies with Section 561.57, Florida Statutes.
 - Refund restrictions are suspended for certain sales of alcoholic beverages purchased for events canceled in response to COVID-19.
- Concerning restaurants and food establishments licensed under Chapters 500 and 509, Florida Statutes, within the State of Florida, amending and superseding Executive Order 20-68, Section 1.
 - Suspended on-premises food consumption for customers.
 - Notwithstanding the foregoing, such establishments may operate their kitchens for the purpose of providing delivery or take-out services.

- Employees, janitorial personnel, contractors and delivery personnel shall be allowed access to such establishments for the purposes of delivery or take-out services.
- Gymnasiums and fitness centers within the State of Florida are closed, except if:
 - Amenities of hotels which have a capacity of 10 persons or less;
 - An amenity of a residential building;
 - Interior to any fire or police stations; or,
 - Located inside any single-occupant office building.
- Implementation by Department of Business and Professional Regulation, and state and local law enforcement.

2020-72, Non-Essential Elective Medical Procedures (March 20, 2020, Expires with EO 20-52)

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-72.pdf

- Prohibits medically unnecessary, non-urgent or non-emergency procedure or surgery which, if delayed, does not place a patient's immediate health, safety, or wellbeing at risk, or will, if delayed, not contribute to the worsening of a serious or life-threatening medical condition. Accordingly, all health care practitioners licensed in the State of Florida, including dentists, shall immediately cease performing these elective services.
 - Examples of procedures to delay may include, but are not limited to, some endoscopy, most cataract and lens surgeries, non-urgent spine and orthopedic procedures, and cosmetic procedures.
 - Permissible procedures include, but may not be limited to, removal of a cancerous tumors, transplants, limb-threatening vascular surgeries, trauma-related procedures, and dental care related to the relief of pain and management of infection.
- Implementation by The Agency for Health Care Administration and the Department of Health.

2020-80, Airport Screening and Isolation (March 23, 2020, Expires with EO 20-52)

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-80.pdf

- Effective March 24, 2020, all persons whose point of departure originates from outside the State of Florida in an area with substantial community spread, to include the New York Tri-State Area (Connecticut, New Jersey and New York), and entering the State of Florida through airports to isolate or quarantine for a period of 14 days from the time of entry into the State of Florida or the duration of the person's presence in the State of Florida, whichever is shorter.
 - This Order shall not apply to persons employed by the airlines and those performing military, emergency or health response. This Order shall take effect on March 24, 2020 at 12:01 a.m.
 - All persons isolating or quarantining under this Section, shall be responsible for all costs associated with that person's isolation or quarantine, including transportation, lodging, food, medical care and any other expenses to sustain the person during the period of isolation or quarantine.

- Florida Department of Health to implement with assistance of local law enforcement and local officials.
- Any person who violates any isolation or quarantine directed by the Department of Health commits a misdemeanor of the second degree, which is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both. *See* § 381.00315(6), Fla. Stat.

2020-81, Extends 20-12 Concerning Hurricane Michael (March 24, 2020, Expires, See Below)
https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-81.pdf

- The state of emergency declared in Executive Order 18-276, amended by Executive Order 18-277, and extended by Executive Order 18-360, 19-33, 19-98, 19-134, 19-176, 19-207, 19-261, and 20-23 will be extended for 60 days following the issuance of this Order.

2020-82, Isolation of Individuals Traveling to Florida (March 24, 2020, Expires, See Below)
https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-82.pdf

- All persons who enter the State of Florida from an area with substantial community spread, to include the New York Tri-State Area (Connecticut, New Jersey and New York), to isolate or quarantine for a period of 14 days from the time of entry into the State of Florida or the duration of the person's presence in the State of Florida, whichever is shorter.
 - Exceptions: persons employed by the airlines and those performing military, emergency or health response.
 - Effective immediately and applies retroactively to all persons who have entered Florida after being in any area with substantial community spread within the previous 14 days.
 - All persons isolating or quarantining under this Section shall be responsible for all costs associated with their isolation or quarantine, including transportation, lodging, food, medical care and any other expenses to sustain the person during the period of isolation or quarantine.
 - All covered persons to inform any individual in Florida with whom they have had direct physical contact in the past 21 days that they traveled from an area with substantial community spread.
- Expires upon the expiration of Executive Order 20-52, including any extensions, or upon an Executive Order lifting the isolation or quarantine after advice from the State Health Officer and Surgeon General.
- Enforcement:
 - Second-degree misdemeanor pursuant to section 252.50, Florida Statutes, and is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both.
 - State, county and local law enforcement authorities. Any law enforcement authority that interacts with a person in violation of this Order shall immediately report the individual, along with personal identifying and contact information, to the Florida Department of Health.
- Every state and county attorney, sheriff, police officer, and other appropriate city and county officials upon the request to assist the Department of Health" in enforcing any isolation or quarantine, state health law and order of the Department of Health issued pursuant to this Order.

2020-83, Protective Measures for Vulnerable Populations, Gatherings of Private Citizens and Density of the Workforce (March 24, 2020, Expires, See Below)

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-83.pdf

- Public Health Advisories to all persons:
 - Over 65 years of age urging them to stay home and to take such other measures as necessary to limit their risk of exposure to COVID-19
 - That have a serious underlying medical condition that places them at a high risk of severe illness from COVID-19. Consistent with CDC guidance, such conditions include, but not limited to, chronic lung disease or moderate to severe asthma; serious heart conditions; immunocompromised status, including those in cancer treatment; and severe obesity. The Surgeon General's advisory must urge these persons to stay home and to take such other measures as necessary to limit their risk of exposure to COVID-19.
 - Against all social or recreational gatherings of 10 or more people.
 - Who can work remotely urging them to do so.
- Any action(s) taken or document(s) issued by the State Surgeon General and State Health Officer pursuant to this Executive Order shall not constitute a rule as defined in section 120.52(16), Florida Statutes, and are specifically exempted from any and all requirements or procedures outlined in chapter 120 and section 252.46, Florida Statutes.
- Expires upon the expiration of Executive Order 20-52, including any extensions.

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