

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-112

(Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery)

WHEREAS, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on April 3, 2020, I issued Executive Order 20-91 and Executive Order 20-92 directing all persons in Florida to limit their movements and personal interactions outside of their home only to those necessary to obtain or provide essential services or conduct essential activities; and

WHEREAS, my administration has implemented a data-driven strategy devoted to high-volume testing and aggressive contact tracing, as well as strict screening protocols in long-term care facilities to protect vulnerable residents; and

WHEREAS, data collected by the Florida Department of Health indicates the State has achieved several critical benchmarks in flattening the curve, including a downward trajectory of hospital visits for influenza-like illness and COVID-19-like syndromic cases, a decrease in percent positive test results, and a significant increase in hospital capacity since March 1, 2020; and

WHEREAS, during the week of April 20, 2020, I convened the Task Force to Re-Open Florida to evaluate how to safely and strategically re-open the State; and

WHEREAS, the path to re-opening Florida must promote business operation and economic recovery while maintaining focus on core safety principles.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution and Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order:

Section 1. Phase 1 Recovery

In concert with the efforts of President Donald J. Trump and the White House Coronavirus Task Force, and based on guidance provided by the White House and the Centers for Disease Control and Prevention (CDC), the Occupational Safety and Health Administration (OSHA), and the Florida Surgeon General and State Health Officer, Dr. Scott Rivkees, I hereby adopt the following in response to the recommendations in Phase 1 of the plan published by the Task Force to Re-Open Florida.

Section 2. Responsible Individual Activity

A. All persons in Florida shall continue to limit their personal interactions outside the home; however, as of the effective date of this order, persons in Florida may provide or obtain:

1. All services and activities currently allowed, *i.e.*, those described in Executive Order 20-91 and its attachments, which include activities detailed in Section 3 of Executive Order 20-91, the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce and a list propounded by Miami-Dade County in multiple orders (as of April 1, 2020), as well as other services and activities approved by the State Coordinating Officer. Such services should continue to follow safety guidelines issued by the CDC and OSHA. If necessary, employee screening or use of personal protective equipment should continue.

2. Additional services responsibly provided in accordance with Sections 3 and 4 of this order in counties other than Miami-Dade, Broward and Palm Beach. In Miami-Dade, Broward and Palm Beach counties, allowances for services and activities from Sections 3 and 4 of this order will be considered in consultation with local leadership.
- B. Except as provided in Section 2(A)(1) of this order, senior citizens and individuals with a significant underlying medical condition (such as chronic lung disease, moderate-to-severe asthma, serious heart conditions, immunocompromised status, cancer, diabetes, severe obesity, renal failure and liver disease) are strongly encouraged to stay at home and take all measures to limit the risk of exposure to COVID-19.
 - C. For the duration of this order, all persons in Florida should:
 1. Avoid congregating in large groups. Local jurisdictions shall ensure that groups of people greater than ten are not permitted to congregate in any public space that does not readily allow for appropriate physical distancing.
 2. Avoid nonessential travel, including to U.S. states and cities outside of Florida with a significant presence of COVID-19.
 3. Adhere to guidelines from the CDC regarding isolation for 14 days following travel on a cruise or from any international destination and any area with a significant presence of COVID-19.
 - D. This order extends Executive Order 20-80 (Airport Screening and Isolation) and Executive Order 20-82 (Isolation of Individuals Traveling to Florida), with exceptions for persons involved in military, emergency, health or infrastructure

response or involved in commercial activity. This order extends Sections 1(C) and 1(D) of Executive Order 20-86 (Additional Requirements of Certain Individuals Traveling to Florida), which authorize the Department of Transportation, with assistance from the Florida Highway Patrol and county sheriffs, to continue to implement checkpoints on roadways as necessary.

Section 3. **Businesses Restricted by Previous Executive Orders**

Unless I direct otherwise, for the duration of this order, the following applies to businesses directly addressed by my previous Executive Orders:

- A. Bars, pubs and nightclubs that derive more than 50 percent of gross revenue from the sale of alcoholic beverages shall continue to suspend the sale of alcoholic beverages for on-premises consumption. This provision extends Executive Order 20-68, Section 1 as modified by Executive Order 20-71, Sections 1 and 2.
- B. Restaurants and food establishments licensed under Chapters 500 or 509, Florida Statutes, may allow on-premises consumption of food and beverage, so long as they adopt appropriate social distancing measures and limit their indoor occupancy to no more than 25 percent of their building occupancy. In addition, outdoor seating is permissible with appropriate social distancing. Appropriate social distancing requires maintaining a minimum of 6 feet between parties, only seating parties of 10 or fewer people and keeping bar counters closed to seating. This provision extends Executive Order 20-68, Section 3 and supersedes the conflicting provisions of Executive Order 20-71, Section 2 regarding on-premises food consumption.
- C. Gyms and fitness centers closed by Executive Order 20-71 shall remain closed.

- D. The prohibition on vacation rentals in Executive Order 20-87 remains in effect for the duration of this order.
- E. The Department of Business and Professional Regulation shall utilize its authorities under Florida law to implement and enforce the provisions of this order as appropriate.

Section 4. Other Affected Business Services

Unless I direct otherwise, for the duration of this order, the following applies to other business services affected by my previous Executive Orders:

- A. In-store retail sales establishments may open storefronts if they operate at no more than 25 percent of their building occupancy and abide by the safety guidelines issued by the CDC and OSHA.
- B. Museums and libraries may open at no more than 25 percent of their building occupancy, provided, however, that (a) local public museums and local public libraries may operate only if permitted by local government, and (b) any components of museums or libraries that have interactive functions or exhibits, including child play areas, remain closed.

Section 5. Medical Procedures

Subject to the conditions outlined below, elective procedures prohibited by Executive Order 20-72 may resume when this order goes into effect. A hospital ambulatory surgical center, office surgery center, dental office, orthodontic office, endodontic office or other health care practitioners' office in the State of Florida may perform procedures prohibited by Executive Order 20-72 only if:

- A. The facility has the capacity to immediately convert additional facility-identified surgical and intensive care beds for treatment of COVID-19 patients in a surge capacity situation;
- B. The facility has adequate personal protective equipment (PPE) to complete all medical procedures and respond to COVID-19 treatment needs, without the facility seeking any additional federal or state assistance regarding PPE supplies;
- C. The facility has not sought any additional federal, state, or local government assistance regarding PPE supplies since resuming elective procedures; and
- D. The facility has not refused to provide support to and proactively engage with skilled nursing facilities, assisted living facilities and other long-term care residential providers.

The Agency for Health Care Administration and the Department of Health shall utilize their authority under Florida law to further implement and enforce these requirements. This order supersedes the conflicting provisions of Executive Order 20-72.

Section 6. Previous Executive Orders Extended

The Executive Order 20-69 (Local Government Public Meetings) is extended for the duration of this order.

Section 7. Enforcement

This order shall be enforced under section 252.47, Florida Statutes. Violation of this order is a 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.

Section 8. Effective Date

This order is effective at 12:01 a.m. on May 4, 2020.



FAQs for EXECUTIVE ORDER 20-112
Phase 1: **Safe. Smart. Step-by-Step.**
Plan For Florida's Recovery Post COVID-19 Emergency

GENERAL QUESTIONS

When did the Governor's Executive Order take effect? How long does it last?

The Governor's Executive Order takes effect Monday, May 4, 2020 at 12:01 a.m. and lasts until the Governor issues a subsequent order.

Is the "Safer at Home" Order over?

The Governor's [Executive Order 20-91](#), Essential Services and Activities is extended until 12:01 a.m. Monday, May 4, by Executive Order 20-111. At that point, Executive Order 20-112 will maintain limitations on the movements of persons except for those businesses and services that are currently open and those businesses that re-open at 25 percent building occupancy.

Does this order apply to all Florida counties?

This order is in effect statewide, however in coordination with Miami-Dade, Broward, and Palm Beach county mayors, these three counties will follow stricter protocol without the re-open provisions of Executive Order 20-112.

Is the Governor's Executive Order consistent with the President's Opening Up America Again Plan?

Governor DeSantis met with President Trump on April 28th to discuss this plan and the President was very supportive of Florida's efforts to take a safe, smart, step-by-step approach to re-open Florida. See President Trump's guidance here:

<https://www.whitehouse.gov/openingamerica/>.

Does this Executive Order supersede local law?

The Governor's [Executive Order 20-91](#) limiting the movements of persons has been incorporated and modified in the new Executive Order 20-112 to include businesses currently open and certain businesses re-opening at 25 percent building occupancy. The Governor's Executive Orders do not contain a preemption on local rules where those rules restrict or close businesses or buildings.

When can we expect Phase 2 to start?

Once the Governor determines it is suitable to continue re-opening and after fully considering medical data in consultation with state health officials.

MEDICAL

Can I go to my doctor if it's not COVID-19 related?

Medical services, including elective procedures, surgical centers, office surgery centers, dental offices, orthodontic offices, endodontic office and other health care practitioners offices may fully re-open. As a condition of resuming elective procedures, hospitals will be required to assist nursing homes and long-term care facilities in their efforts to protect the vulnerable.

However, they must maintain adequate bed capacity and PPE. They must also have the capacity to immediately convert additional surgical and intensive care beds in a surge situation and must not have received or sought any additional federal, state or local government assistance regarding PPE after resuming elective procedures.

May senior citizens and individuals with significant medical conditions leave their homes to go to the grocery store or pharmacy, or go for a walk, or go to work?

Yes, they may leave their homes to obtain or provide open services or conduct open activities.

Can individuals visit nursing homes and long-term care facilities?

No, those restrictions will remain in place in Phase 1 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery and with conditions set by the Agency for Health Care Administration.

TRAVEL

Is airport screening and isolation in effect for visitors from highly affected COVID-19 areas?

Yes, this order extends [Executive Order 20-80](#), Airport Screening and Isolation, and [Executive Order 20-82](#), Isolation of Individuals traveling to Florida, with exceptions for military, emergency, health, infrastructure or commercial related activity.

BUSINESS

Can I open my business?

Restaurants will be allowed to re-open, with full outdoor seating. Indoor seating will be allowed at 25 percent of building capacity. On-site sale and retail businesses will be allowed to operate at 25 percent occupancy.

If your business is open, it may remain open and should continue appropriate social distancing and sanitation measures. Also, any activity or work that has been available under the previous order remains available. Businesses should adopt appropriate social distancing and sanitation measures.

What businesses will remain closed?

Bars, nightclubs and gyms will remain closed during Phase 1 of re-opening. While personal care services such as barbershops and salons with close contact should remain closed, the portions of those businesses with on-site retail sales may re-open at 25 percent building occupancy.

May my business and its employees continue to operate remotely and provide delivery of our product?

Yes, all businesses are encouraged to provide delivery or pickup and to take orders online or by telephone.

Are there minimum health protocols that must be met to open my business?

Yes, the Governor's Executive Order 20-112 requires appropriate social distancing and limits groups to 10 people or fewer. Regulated businesses should adhere to agency guidance. Additionally, businesses should consult with the most up-to-date [Centers for Disease Control and Prevention \(CDC\) guidance](#).

What do I need to do to open my business?

Review the requirements of the Governor's Executive Order 20-112. Also review any guidance that has been provided from state and federal regulatory agencies including the Centers for Disease Control and Prevention, the Florida Department of Health and the Florida Department of Business and Professional Regulation.

Do employee temperature checks need to be done?

For restaurants, employee protocols remain in place under the Governor's Executive Order. Other businesses should adopt appropriate measures based on [CDC guidance](#).

Are masks required for employees and customers?

The Governor's Executive Order does not mandate the use of masks. However customers, employees and employers should consult [CDC guidance](#).

If a business exceeds 25 percent capacity, do they get fined?

Yes, enforcement penalties remain in place including a second-degree misdemeanor with a fine up to \$500. Certain regulated businesses may face enforcement action for violations from their regulatory agency.

Should individuals go to facilities that have not re-opened?

Individuals should travel only to businesses that have been open or are now re-opened.

Who enforces compliance?

Local and state law enforcement continue to enforce Executive Orders, along with the regulatory agencies that oversee businesses.

ACTIVITIES

Can I visit or travel to a family member?

Yes, if caring for or otherwise assisting a loved one or friend.

May I exercise outside or participate in recreational activities?

Yes, if consistent with social distancing guidelines as published by the CDC.

Are gyms open?

No, gyms and fitness centers should remain closed.

Can I go to a professional sporting event?

No, sporting venues may operate but without spectators.

May churches, synagogues, or other houses of worship hold services?

Yes. The Governor's [Executive Order 20-91](#) identified attending religious services at churches, synagogues and places of worship as an open activity. While that order did not place restrictions directly on any building or venue, many local orders have done so. Any building or venue that is open should continue to follow appropriate social distancing and sanitation procedures.

The Florida Department of Health encourages them to [follow CDC guidance specific to faith organizations](#).

Can I rent or stay at a vacation rental?

No, the prohibition on vacation rentals remains in effect.

Are state parks and beaches open?

The Governor's Executive Orders have not closed beaches other than those at the request of Broward and Palm Beach counties ([Executive Order 20-90](#)). Florida's Department of Environmental Protection will announce a phased-in re-opening of state parks.

May childcare centers remain open?

Yes, if currently able to open and as long as they follow proper social distancing protocols. Florida Department of Education has prioritized children of medical professionals and first responders working at businesses or operations that are essential services, to the extent those childcare centers adhere to social distancing.

Are museums and libraries open?

Museums and libraries may open at no more than 25 percent of their building occupancy as long as their local government allows. Interactive shared exhibits, like child play areas, remain closed.

LOCAL GOVERNANCE & ENFORCEMENT

Are local authorities allowed to adopt requirements directly on businesses, operations or venues, including buildings, beaches and parks, that may be stricter than the Governor's Executive Order?

Yes.

How is the Governor's Executive Order enforced?

By law enforcement. Violation of the Governor's Executive Order is a second-degree misdemeanor.

Where can I report a business that violates the Governor's Executive Order?

Local law enforcement.

Do I need a special permit to leave my house if I am going to an essential service or essential activity?

No. Some businesses may wish to provide a letter to employees to clarify that their business is indeed an open service.

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