



## **Re-Opening Frequently Asked Questions**

May 18, 2020

The information below is designed to answer general questions regarding Full Phase I Expansion. It does not address every situation and every business. If you need guidance regarding the circumstances specific to your business, contact your regulator.

### **GENERAL**

**1. In Phase I Expansion, what's opened? What's closed?**

- Bars, Pubs, and Nightclubs that derive more than 50% of gross revenue from the sale of alcoholic beverages continue to be closed for on-premises consumption.
- Food service establishments can offer dine-in service at 50% capacity with appropriate social distancing (staff is not included in this count). Full outdoor seating with appropriate social distancing is permitted. Parties for both indoor and outdoor seating cannot exceed 10 people.
- Retail stores can operate at no more than 50% building capacity.
- Museums and libraries may operate at 50% capacity but may be subject to additional restrictions.
- Gyms and fitness centers can operate at 50%.
- Vacation rentals require county approvals to operate and are restricted under DBPR.

**2. Does the Executive Order apply statewide?**

Yes

**3. How long does Phase I last?**

There is no set time frame. According to the Governor, it will be determined by the public health data.

**4. What is the relationship between the federal orders, the Governor's orders, and the local orders?**

Federal laws and regulations supersede all other laws. States are permitted to pass additional laws and regulations that do not conflict with federal laws and regulations.

State laws and regulations (including the Governor's Executive Orders) supersede all local laws and regulations. Local governments are free to pass additional laws and regulations that do not conflict with either state or federal laws and regulations.

**5. What are the social distancing guidelines for dine-in restaurants operating at 50% capacity?**

Groups cannot exceed 10 people, and tables must be separated by 6 feet from chair to chair. When measuring, remember to allow additional space for the

person who will be sitting in the chair. Under Full Phase 1, there should be no seating at the bar top.

#### **6. When will state parks and beaches open?**

Beach opening have been controlled locally, and this remains at the discretion of local governments. Most beaches are presently open in Palm Beach County. Some have restrictions on sitting or walking. Check the [State Parks website](#) for the list of other park opening or with your local municipality.

### **RESTAURANTS**

#### **1. Are masks required for employees?**

No, but they are encouraged. It will be up to each business to decide, and it may be a good business practice to consider. Restaurants should follow CDC guidelines.

#### **2. Are masks required for guests?**

No, we are not aware of any that are currently requiring this, although it is within their discretion and can provide additional protection to restaurant staff.

#### **3. Are establishments required to provide hand sanitizer at each table?**

No, hand sanitizer at each table is not required, but it may be a good business practice to consider. Many establishments have installed touchless hand sanitizer stations.

#### **4. Are Special Events such as weddings and banquets allowed?**

While there is not formal approval or guidance for these events, we have received general guidance on events such as banquets and weddings:

- The current requirements for restaurants can be used as a guide for these events.
- The event would have to comply with the present 50% occupancy requirements (staff and servers would not apply to this number). For example, a ballroom normally seats 200. You can now seat 100 people.
- Tables would have to comply with the spacing requirements, and seat not more than 10 people.
- Guests must be encouraged to engage in social distancing and avoid congregating.
- If it is an outdoor event, the occupancy requirements would not apply, but the spacing for seating would apply (similar to restaurants).
- Avoid a situation where someone posts a picture on social media showing people congregating closely together. In regards to liability, such pictures could also be used in a civil suit to demonstrate that a business did not use proper safety protocols and should therefore be held liable for someone contracting COVID-19. Consider things like floor markers in front of a bar to remind people to wait 6 feet apart.
- No buffets or self-serve.

#### **5. Do I have to use plastic or disposable menus?**

There is no specific requirement here. Use good sanitary business practices whatever you choose to use.

**6. Can we use non-disposable cutlery and plates?**

Yes. All the existing safety and sanitization requirements apply.

**7. What is included in Outdoor Dining?**

Patios, decks, sidewalk seating, etc. It also includes covered outdoor seating and enclosed or screened-in outdoor seating. Parking lots may be used as long as it does not otherwise violate social distancing regulations, your lease, or any other existing laws or regulations. The key factor is that it is outside in the open air. And, the 6 feet rule applies!!

**8. Who will police the standard practices, owners of the establishment or local authorities?**

Provisions of executive orders have the force and effect of law, and practices required by executive order may be enforced by a law enforcement agency having jurisdiction, such as police or sheriffs. Additionally, public food service and lodging businesses have broad discretion to decline service and remove undesirable patrons, which they could apply to patrons failing to adhere to house policies or legal requirements that mitigate the spread of covid-19.

Practices recommended by executive order or other advisory source are not enforceable. These items are, however, a market differentiator for the business implementing them. The public will in essence enforce them, in how they select businesses to patronize.

## **ALCOHOL**

**1. May we serve alcohol at outdoor seating?**

Yes.

**2. Is bar seating allowed?**

No. However, if a public food service establishment has table seating in the bar area, patrons can be seated there. The tables must adhere to the 6 feet rule, and the 50% capacity rule applies to the entire establishment.

**3. Is my establishment a “bar?”**

If an establishment derives more than 50% of gross sales from alcohol, it is a bar and thus prohibited from selling alcohol for on-premises consumption. If the establishment is licensed as a food service establishment, it is permitted to serve food to dine-in patrons subject to the Full Phase I requirements, including alcohol. The establishment’s license determines what it can do.

**Please note local municipalities may have additional restrictions in additions to statewide guidance.**