



Florida Governor Amends Safer-At-Home Order And Announces Plan To Reopen State

Insights

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Florida Governor Ron DeSantis just extended his [Safer At Home Order for the State of Florida](#) but announced his plan to gradually re-open the state pursuant to a new Order that will go into effect just after midnight (at 12:01 am) on the morning of May 4, 2020. The new Order initiates the first of three phases to re-open every county in Florida except for Miami-Dade, Broward and Palm Beach counties. Additionally, local governments in Florida will also be able to have more restrictive policies in place if they desire. What do Florida employers need to know?

Essential And Non-Essential Businesses Are Permitted To Operate Pursuant To CDC And OSHA Guidelines

The new Order permits all services and activities currently allowed under the previous Safer-at-Home Order. Any non-essential businesses that were not previously permitted to be open can reopen as long as they also follow CDC and OSHA guidelines. However, The Order contains the following industry specific restrictions:

- **Schools:** Schools will remain closed during Phase One and can continue conducting distance learning.
- **Healthcare:** Hospitals and senior living facilities are prohibited to have visitors, and those interacting with residents and patients must adhere to **strict** protocols regarding hygiene. However, elective surgeries can resume, as clinically appropriate at facilities that adhere to Centers for Medicare & Medicaid Services (CMS) guidelines. Additionally, any facility that performs elective procedures must be able to immediately convert for treatment of COVID-19 patients in a surge capacity situation, must have adequate PPE, has not sought government assistance regarding PPE supplies since resuming elective procedures, and has not refused to provide support to and proactively engage with skilled nursing facilities, assisted living facilities, and other long term care residential providers.
- **Hospitality:** Sit-down dining establishments can operate at 25% occupancy under strict physical distancing protocols. However, bars will remain closed.
- **Retail:** Storefronts may operate at no more than 25% of their building occupancy.
- **Museums and libraries:** Can operate at no more than 25% of their building occupancy if permitted by local government. Also, any interactive functions or exhibits including child play areas must remain closed.

- **Miscellaneous:** Gyms, movie theatres, and professional services (such as hair salons and barbershops) will remain closed.

Every business is required to continue to follow guidelines issued by the CDC and OSHA. These guidelines include:

- Promoting healthy hygiene practices;
- Intensifying cleaning, disinfection (e.g., small static groups, no large events);
- Avoiding non-essential travel, and encouraging alternative commuting and telework;
- Spacing out seating (more than 6 feet) and staggering gathering times;
- Restricting use of any shared items and spaces; and
- Training all staff in above safety-actions.

The CDC also recommends that businesses only reopen after they have implemented safeguards for the ongoing monitoring of employees, including:

- Encouraging employees who are sick to stay home;
- Establishing routine, daily employee health checks;
- Monitoring absenteeism and having flexible time off policies;
- Having an action plan if a staff member gets COVID-19;
- Creating and testing emergency communication channels for employees; and
- Establishing communication with state and local health authorities.

Senior Citizens And Individuals With Significant Underlying Medical Conditions

The Order strongly encourages individuals who are older than 65 and those with significant underlying medical conditions to stay at home. They should take all measures to limit the risk of exposure to COVID-19 such as wearing masks during face-to-face interactions. Additionally, the Order encourages individuals to avoid socializing in groups of more than 10.

Social Distancing And Other Guidelines

Additionally, all persons in Florida should practice social distancing, avoid nonessential travel, and 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 significant presence of COVID-19. The Order also extends Governor DeSantis' Orders regarding airport screening and isolation of individuals traveling to Florida. Notably, there is an exception for these orders for persons involved in military, emergency, health or infrastructure response or involved in commercial activity.

Criminal Penalties

A violation of the Order is a second-degree misdemeanor which is punishable by imprisonment not

to exceed 60 days, a fine not to exceed \$500.00 or both.

What Does This Mean For Employers?

Employers with operations in Florida should review the [CISA guidance](#) and Miami-Dade County Emergency Order 07-20, and its amendments, to determine if they are deemed essential or non-essential.

Before reopening, you should have a thorough plan in place to establish a safe and healthy workplace and share that plan to provide employees peace of mind. You should also be prepared to address concerns from older employees and those with underlying significant health conditions regarding whether or not they must come in to work. You should also carefully assess the availability of telework for these employees.

As you begin the process of reopening, you should familiarize yourself with our alert: [5 Steps To Reopen Your Workplace, According To CDC's Latest Guidance](#). You should also keep handy our [4-Step Plan For Handling Confirmed COVID-19 Cases When Your Business Reopens](#) in the event you learn of a positive case at your workplace. For a more thorough analysis of the many issues you may encounter from a labor and employment perspective, we recommend you review our [FP BEYOND THE CURVE: Post-Pandemic Back-To-Business FAQs For Employers](#) and our [FP Resource Center For Employers](#).

Conclusion

We will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Alert System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in any of our [Florida offices](#), or any member of [our Post-Pandemic Strategy Group Roster](#).

This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

Related People



Alex G. Desrosiers

Partner

407.541.0857

Email

**Brett P. Owens**

Partner

813.769.7512

Email

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