

**BROWARD COUNTY ADMINISTRATOR'S
EMERGENCY ORDER 21-02**

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 Ron 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; on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic; and on March 13, 2020, former President Donald 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") recommends implementation of community mitigation strategies to increase containment of the virus;

WHEREAS, on March 10, 2020, the 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, were previously delegated to me (including as further outlined below);

WHEREAS, since March 2020, I have issued a series of Emergency Orders designed to curb the spread of COVID-19, including Emergency Orders prohibiting certain establishments from operating and imposing regulations on those establishments that were allowed to operate;

WHEREAS, on September 25, 2020, Governor DeSantis issued Executive Order 20-244, advancing the State of Florida into Phase 3 of the state’s reopening and preempting local governments from issuing any emergency order that “prevent[s] an individual from working or from operating a business”;

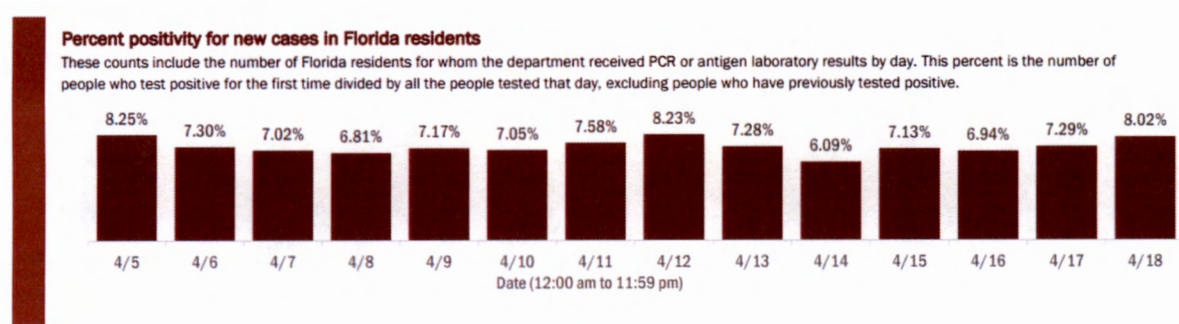
WHEREAS, pursuant to Executive Order 20-244, all establishments in Broward County are permitted to operate, subject to reasonable operational restrictions to prevent further spread of the COVID-19 disease;

WHEREAS, the testing data and the percent positivity for new COVID-19 cases in Broward County remain concerning, and the positivity rate continues to exceed the threshold recommended by public health officials for permitting on-site activities and reducing the spread of COVID-19;

COVID-19: summary for Broward County

Data through Apr 18, 2021 verified as of Apr 19, 2021 at 09:25 AM

Data in this report are provisional and subject to change..



WHEREAS, while the increasing availability and distribution of COVID-19 vaccinations, including the fact that more than one million vaccine doses have been administered in Broward County as of April 13, 2021, are encouraging data points, the CDC recommends continued vigilance and containment measures, such as social

distancing and facial covering requirements, throughout the continued implementation of the vaccination program; and

WHEREAS, after carefully balancing the COVID-19 health data metrics, the needs of the local economy, and the public health and welfare, the Board of County Commissioners has directed the County Administrator to amend the metrics used to determine when to initiate the next stage of substantive reductions of restrictions in the Broward County Comprehensive Emergency Order,

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. Recitals.

I hereby find and determine that the above recitals are true and correct and such recitals are incorporated herein by reference.

Section 2. Comprehensive Emergency Order Amendments.

The Broward County Comprehensive Emergency Order (“CEO”) is hereby amended as stated in this section, which amendments shall be incorporated in the CEO as of the effective date of this Emergency Order.

A. Amendments to the CEO.

Chapter 1 of the CEO is hereby amended as follows (strikethrough text indicates deletions, and underlined text indicates additions):

CHAPTER 1. GENERAL

This Comprehensive Emergency Order (“CEO”) ~~states the rules and regulations for Broward County during the local state of emergency that has been in effect since March 10, 2020, due to~~ sets forth all current requirements established under Broward County Emergency Orders issued to date relating to the coronavirus pandemic (“COVID-19”). This CEO will be maintained by the Broward County Attorney’s Office, available online for public inspection, and updated to reflect any additional orders as may be issued by the Broward County Administrator, so that this CEO will consistently reflect the current rules and regulations that apply in Broward County.

~~COVID-19 is a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death. On March 1, 2020, the Governor of Florida, Ron 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. On March 10, 2020, Broward County declared a Local State of Emergency, and on March 13, 2020, President Donald Trump declared a national emergency concerning COVID-19.~~

Section 1.A. Metrics for Reduction of Restrictions

Broward County continuously monitors COVID-19 related data, including vaccination rates, test positivity rates, incidence rates, and hospital bed capacity (the “metrics”). As metrics continue to improve, the restrictions in this CEO will be progressively reduced or removed by the issuance of amendments to this CEO.

Section 1.B. Future Anticipated Phase 1 Reduction of Restrictions

The rules and regulations stated in Chapters 2 through 32 of this CEO are the currently applicable rules and regulations. This CEO will be amended in the future to reflect t~~The next planned substantive reduction, which will occur when Broward County achieves the following metrics:~~

1. At least 50% of adults in Broward County have received at least one vaccination shot; and
2. The COVID-19 test positivity rate for Broward County is less than 5%, measured on a 5-day rolling average, for ~~10~~ 7 consecutive days, or the new confirmed cases in Broward County per 100,000 people, as measured by the Johns Hopkins Coronavirus Resource Center, is less than 15, measured on a 5-day rolling average, for 7 consecutive days, whichever occurs first.

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B. Updated CEO Available Online.

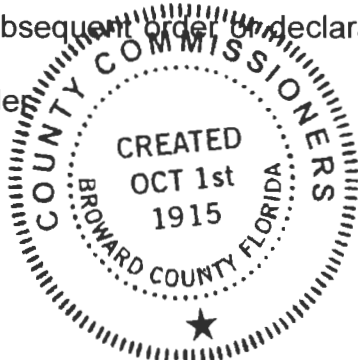
An up-to-date version of the CEO inclusive of these amendments will be available at <https://www.broward.org/CoronaVirus/Pages/EmergencyOrders.aspx>.

Section 3. Applicability; Severability.

This Emergency Order amends, supersedes, and replaces the applicable portions of the Broward County Comprehensive Emergency Order (CEO) as indicated herein. All portions of the CEO not modified herein shall remain in full force and effect. This Emergency Order and the CEO apply to all incorporated and unincorporated areas within Broward County, but have no application outside of Broward County. The provisions of this Emergency Order and the CEO shall serve as minimum standards, and municipalities within Broward County may establish more stringent standards within their jurisdictions, to the extent permitted by law. Any provision(s) within this Emergency Order and the CEO that (i) conflict(s) with any state or federal law or constitutional provision, or (ii) conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States solely to the extent such Executive Order (a) expressly preempts the substance of this Emergency Order and the CEO or (b) imposes stricter closures than set forth herein or under this Emergency Order and the CEO, shall be deemed inapplicable and deemed to be severed from this Emergency Order and the CEO, with the remainder of the Emergency Order and the CEO remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Emergency Order and the CEO is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Emergency Order and the CEO.

Section 4. Effective Date; Duration.

This Emergency Order shall be effective immediately. 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: [Signature] for B. Henry
Bertha Henry, County Administrator

RECEIVED AND FILED in the Records, Taxes and Treasury Division on this 22 day of April, 2021, at 10:45 a.m./p.m.