

# Florida Enters Phase 3: Reopens All Public Facilities

September 30, 2020

On September 25, 2020, Governor Ron DeSantis announced Florida's entry into Phase 3 of its corona-virus pandemic reopening plan and issued [Executive Order 20-244](#).

The executive order provides that “[n]o COVID-19 emergency ordinance may prevent an individual from working or from operating a business.” The order further explains that “to safeguard the economic vitality of this state,” restaurants cannot be limited by any local government or COVID-19 emergency order to less than 50 percent of indoor capacity. In addition, any order imposing a limitation between 50 and 100 percent must quantify the economic impact of each limitation or requirement on those restaurants and explain why each limitation is necessary for public health. The order clarifies that it does not supersede or preempt any non-COVID-19 municipal or county order. Finally, the order concludes by suspending individual fines and penalties relating to COVID-19.

## Phase 3 Guidelines

Pursuant to Florida's [Safe, Smart, Step-by-Step, Plan for Florida's Recovery](#), the state has provided the following guidelines for Phase 3:

- *“Employees should resume unrestricting staffing of worksites and implement the final phasing in of employees returning to work, though teleworking can be considered for vulnerable populations.”*
- *“Employers should take prudent and practical measures to ensure employees do not enter their premises if they believe they are infected with COVID-19 or show symptoms of influenza-like illness.”*
- *“Employees should resume nonessential travel & adhere to [U.S. Centers for Disease Control & Prevention] guidelines regarding isolation following travel.”*
- Local government meetings should return to in-person quorum and public participation.
- *“Bars, pubs, and nightclubs that derive more than 50 percent of sales from alcohol should operate at full capacity with limited social distancing protocols,”* while maintaining adequate sanitation practices among employees and patrons, which include cleaning laminated menus after each use and disposing of paper menus after each use
- Restaurants can operate at full capacity with limited social-distancing protocols, subject to any local orders limiting capacity.
- Gyms and fitness centers *“should open to full capacity”* with adequate sanitation practices.
- State parks *“should be fully opened”* and public beaches *“should remain fully opened.”*
- Large venues such as movie theaters, concert halls, casinos, bowling alleys, arcades, playhouses, and auditoriums *“should reopen fully with limited social distancing protocols.”*
- Large sporting events and theme parks *“should consider reducing capacity.”*
- Retail businesses can operate at full capacity.
- Vacation rentals can *“resume normal operating procedures but should continue to thoroughly clean and disinfect the property between rentals.”*

With Florida reopening and businesses resuming normal operation, local governments and employers may wish to consider the legal implications of employment laws and how they potentially interact with Florida's most recent executive orders.

We will continue to monitor progress in reopening Florida's local governments and businesses affected by the COVID-19 pandemic and will advise the Board of any further applicable developments from subsequent Executive Orders.

District Counsel  
Young Qualls, P.A.  
216 South Monroe Street  
Tallahassee, FL 32301  
(850) 222-7206