

**BROWARD COUNTY ADMINISTRATOR'S  
EMERGENCY ORDER 20-30**

**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 ("Governor 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, 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 Broward County 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**, since the issuance of Executive Order 20-244, the State of Florida and Broward County have seen an increase in the spread of COVID-19, with recent surges arising from the gatherings customary during the Thanksgiving holiday, and such surges are anticipated to continue and even increase due to the lengthier year-end holidays, additional winter tourism, and the gatherings that occur in connection with both;

**WHEREAS**, even apart from the risks posed by COVID-19, the December holiday season presents risk for increased trauma-related hospital usage and insufficient hospital staffing levels;

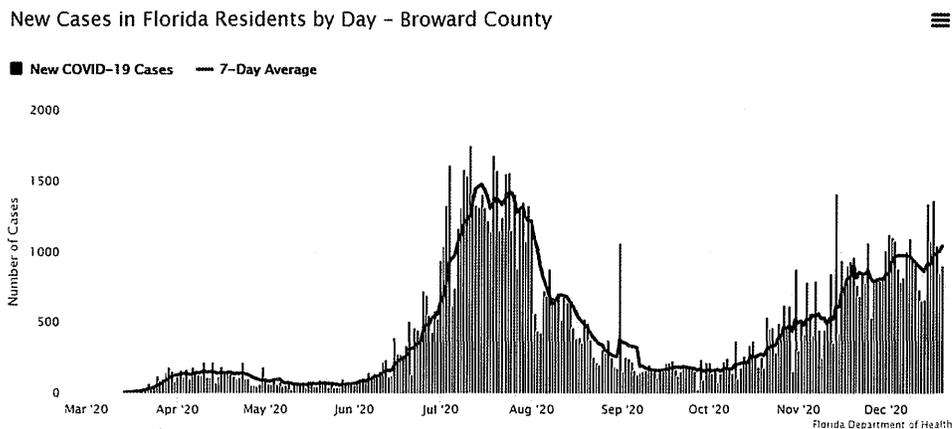
**WHEREAS**, Fort Lauderdale-Hollywood International Airport estimates approximately 940,000 passengers will fly into or through Fort Lauderdale over the 14-day period from Monday, December 21, 2020, through Sunday, January 3, 2021;

**WHEREAS**, adequate hospital and ICU capacity must be preserved so County residents and visitors requiring hospital or ICU care, whether for COVID-19 or other acute health issues, are able to access that care; without adequate capacity available, including

both physical facilities and necessary staffing, hospitals will be unable to provide required care for County residents and visitors, whether for COVID-19 or for other emergency health needs;

**WHEREAS**, to underscore the rationale for the action taken by this order, I have been informed that, as of December 22, 2020, all 133 ICU beds operated by the Memorial Healthcare System in Broward County are occupied;

**WHEREAS**, the December 6, 2020, State Report from the White House Coronavirus Task Force confirmed Florida is in the “red zone” for new cases and for test positivity, hospital admissions for patients with confirmed COVID-19 rose 15% in the week following Thanksgiving, and the three counties in Florida with the highest number of new cases are Miami-Dade, Broward, and Palm Beach Counties, including as demonstrated by the compilation of the Florida Department of Health data presented by Florida Atlantic University in the graphic below:



**WHEREAS**, despite existing containment measures, the test positivity in Broward County has consistently exceeded the CDC’s 5% threshold and has recently been exceeding the CDC’s 8% threshold, which places on-site instruction in schools outside the “lowest” and “low” risk categories and into the “moderate” and “higher” risk categories as defined by the CDC;

**WHEREAS**, it is critical to the health and welfare of Broward County residents that the test positivity rate remain low enough to permit continued on-site school instruction;

**WHEREAS**, the prospect of widespread availability of the COVID-19 vaccine, while encouraging, is still several months away;

**WHEREAS**, the continued use of certain common-sense measures designed to curb the spread of COVID-19 continues to be necessary to protect the public health, safety, and welfare of Broward County residents and visitors;

**WHEREAS**, the high level of social interaction with persons outside of one's household during the winter holiday season, whether in commercial or residential settings, presents heightened risk of virus spread, including due to the prolonged interaction of people at a close distance and the inability to wear facial coverings while eating or drinking;

**WHEREAS**, Miami-Dade County currently imposes a curfew during the hours of midnight and 6 a.m., excepting only the hour between midnight and 1 a.m. on December 25 and January 1, and the high-degree of social integration between Miami-Dade and Broward counties renders it highly likely that high-risk holiday celebrations prohibited in Miami-Dade County during its curfew hours will relocate to Broward County; and

**WHEREAS**, a curfew is necessary and appropriate at this time to protect public health and welfare in Broward County,

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

**CHAPTER 6. CURFEW**

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~~{Reserved.}~~

**Section 6.A. Curfew Imposed**

A countywide curfew is hereby imposed for all of Broward County from **midnight to 5 a.m.** daily starting on Friday, December 25, 2020, and continuing each day through Monday, January 4, 2021, with the following exceptions:

- On Christmas Day, December 25, the curfew will start one hour later and be in effect only from 1 a.m. until 5 a.m. on December 25; and
- On New Year’s Day, January 1, the curfew will start one hour later and be in effect only from 1 a.m. until 5 a.m. on January 1.

During the period of such curfew, no person shall make use of any street or sidewalk in Broward County for any purpose, except as stated immediately below.

**Section 6.B. Curfew Exceptions.**

The curfew shall not apply to active-duty police, fire rescue, and first responders; news media; delivery and transportation drivers; government employees and government officials; persons seeking emergency medical care; medical, health care, and utility service personnel; persons going from their homes directly to their place of employment or returning directly to their homes from their place of employment; persons walking their dogs or other pets within two hundred and fifty

feet (250) feet of their residences; persons traveling to/from any professional sporting event; persons returning directly to their homes after commercial travel ending at an airport or seaport or after one-way vehicular travel of more than 100 miles; or persons traveling to/from any religious service.

**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.**

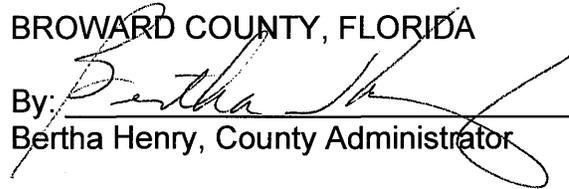
This Emergency Order amends, supersedes, and replaces the applicable portions of the Broward County Comprehensive Emergency Order (CEO) as indicated herein. All portions of the CEO not modified herein shall remain in full force and effect. This Emergency Order and the CEO apply to all incorporated and 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:   
Bertha Henry, County Administrator

RECEIVED AND FILED in the Records, Taxes and Treasury Division on this 28<sup>th</sup> day of December, 2020, at 3:43 a.m./p.m.

