



Guidance for Businesses as Florida Moves to Phase 3 Re-opening

On Friday, September 25, 2020, Governor DeSantis issued [Executive Order 20-244](#) as a part of the state's phase 3 re-opening. The Order states that "No COVID-19 emergency ordinance may prevent an individual from working or from operating a business." As a result, a local government (county or city) may NOT prohibit a business from operating solely for COVID-19 reasons. The Order also:

1. Effectively provides that restaurants can operate with no seating capacity limitations and without any other COVID-19-related restrictions on hours of operation, service of alcohol, or occupancy. If a local government issues an order that does further limit capacity, it must do so only with evidence of the economic impact to the business and how the limitation is necessary for public health.
2. Suspends any local COVID-related fines and penalties as to any individuals.

What the Order does NOT change

1. The Order does not eliminate any local face mask orders that are in place. Those local face mask orders remain in place unless they are changed by the city or county.
2. The Order does not mean a business should discard its COVID-19 Response Plan, but should review and revise, as warranted.

It is important that you continue to review local COVID-19 orders from your city and county regarding emergency orders, including the wearing of face masks ([Hillsborough County Order](#); [Pinellas County Order](#); [City of Tampa Order](#); [City of St. Petersburg Order](#); [Pasco County Order](#)). Some of the local orders have unique provisions that allow for local governments to enforce the order against businesses – and those provisions would remain in effect even with the state Order 20-244. For example, the City of Tampa order mandates businesses to implement minimum "reasonable efforts" to require customers to wear face masks on their premises.

As a reminder, your response plan/written action plan should:

1. Address state and local governments' expectations of your business.
2. Address the [Centers for Disease Control and Prevention protocol](#) specific to your industry.
3. Include your business's policies and procedures.
4. Be communicated to and posted where it's easily accessible by employees and customers.
5. Notify employees that if they have symptoms they are not to come to work.

**Don't Miss Our Webinar
This Thursday at 1:30 pm
on the Immediate Future of Wearing Facemasks.**

We will be hosting a 30-minute webinar this **Thursday, October 1, at 1:30 pm** to further explore how Executive Order 20-244 impacts the wearing of face masks for both customers and employees in jurisdictions with and those without local ordinances, and other implications. To register and submit your questions in advance, click below.

[Register Now](#)

If you need assistance with a tailored action plan for your business or other COVID-19-related issues, please contact a member of Hill Ward Henderson's COVID-19 Attorney Response Team.



Katie Cole
katie.cole@hwhlaw.com
727.259.6791



Kami Corbett
kami.corbett@hwhlaw.com
813.227.8421



Robert Shimberg
robert.shimberg@hwhlaw.com
813.227.8469



Jaime Maier
jaime.maier@hwhlaw.com
813.506.5184

Please visit our [COVID-19 Attorney Response Team page](#) for important updates on this very fluid situation.

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