



## PALM BEACH COUNTY EMERGENCY ORDER 2020-28 FREQUENTLY ASKED QUESTIONS (FAQS)

On Friday, September 25, 2020, Governor Ron DeSantis signed Executive Order 20-244, that moved the State of Florida into Phase 3 of the COVID response. That order required all businesses to be open and allowed businesses and specifically restaurants to operate at 100% capacity. Palm Beach County subsequently issued EO 2020-28 to repeal certain previous orders and continue certain existing safety practices related to COVID. The following frequently asked questions related to EO 2020-28 are provided to assist in the safe operation of businesses and facilities and to help control the spread of COVID-19.

### **What COVID related measures are now required in Palm Beach County?**

The following are the safety compliance requirements in Emergency Order 2020-28:

- a. Facial coverings: Per EO 28, s. 4, which incorporates EO 12, facials coverings shall be worn inside all businesses and establishments, which includes all facilities throughout the county, even when social distancing is being practiced inside those businesses and establishments. In addition, facial coverings shall be worn in outdoor public places in situations where social distancing is not possible or is not being practiced. See the terms of EO 12 for more detailed information.
- b. Social distancing: Per EO 28, s. 5, social distancing shall be adhered to as provided by the Centers for Disease Control and Prevention (CDC). For further guidance see: [CDC Social Distancing Guidelines](#). Such social distancing shall be adhered to in all outdoor public places, and inside businesses and establishments throughout the county, subject to the terms of EO 28.
- c. Cleaning and Disinfecting: Per EO 28, s. 6, businesses and establishments must adhere to “enhanced cleaning protocols.” Cleaning and disinfecting guidance can be obtained from the CDC website if needed. For further guidance see: [CDC Cleaning and Disinfecting Your Facility Guidelines](#).

### **What businesses and establishments are allowed to be open in Palm Beach County?**

All legal businesses and establishments in Palm Beach County are allowed to be open.

**What capacity are buildings and businesses allowed to operate?**

EO 28 does not impose any indoor or outdoor capacity restrictions on any businesses or establishments in Palm Beach County. However, with the exception of restaurants, social distancing may necessarily impact capacity for businesses and establishments.

**Are there restrictions on the hours of operation of businesses and establishments in Palm Beach County?**

There are no county-ordered COVID-related restrictions on business hours of operation. Please refer to county and municipal codes that govern the regulation of hours of operation during normal conditions.

**Businesses are required to ensure compliance with the facial covering requirements. How can this be done? Are there any guidelines or best practices for this verification process?**

Before entering a facility, businesses are required to do an entry verification process specifically to determine that individuals entering the facility are properly wearing facial coverings. Staff must inform patrons to wear facial coverings and remind all patrons of the requirement to wear facial coverings throughout their stay at the facility. Additionally, per the terms of EO 12, signs shall be displayed at entryways indicating that facial coverings are required to be worn while inside the facility.

**Must restaurants adhere to the social distancing requirement if the requirement does not in application prevent a restaurant from reaching its maximum indoor capacity?**

Yes. All restaurants shall adhere to all applicable social distancing guidelines issued by the CDC, but, in accordance with the Governor's Executive Order 20-244, that requirement shall not be imposed to, in application, prevent a restaurant's ability to reach its maximum indoor capacity. For example, if a restaurant's maximum indoor capacity is 500 people, but only 100 people are occupying the building, then social distancing guidelines shall be adhered to. Such adherence could be achieved, for instance, by seating every other table such that parties are distanced in accordance with CDC guidelines. As more people occupy the building, a restaurant may begin filling in the empty tables until the restaurant reaches its maximum capacity. This ensures that social distancing is adhered to, without preventing a restaurant from reaching its maximum indoor capacity if it is experiencing sufficient demand to do so.

**If a restaurant at any time is operating at less than 100% capacity, must social distancing be practiced at that time?**

Yes. As stated above, restaurants shall adhere to CDC social distancing guidelines at all times that those guidelines in application do not prevent restaurants from reaching one hundred percent (100%) of their indoor capacity.

**How will the restrictions included in the order be enforced in Palm Beach County?**

The COVID Education and Compliance Teams will continue to operate throughout Palm Beach County in coordination with local law enforcement with primary responsibility to educate the public and business owners of facial covering compliance, social distancing compliance, and cleaning and disinfecting compliance as put forth in this order.

**Can individuals be fined for non-compliance of the facial covering order and social distancing?**

Executive Order 20-244 suspends the collection of fines and penalties associated with COVID-19 enforced upon individuals.

**Can businesses be fined or penalized for non-compliance of the facial covering order and social distancing?**

Yes, a business can be fined for violation of the compliance requirements. The order that addresses fines for businesses is Emergency Order 2020-17 and that order remains in effect. Businesses in violation of this order are subject to fines that range from \$1,000 per violation to up to \$15,000 for multiple violations for those deemed irreparable or irreversible in nature.

**What other Emergency Orders are still in effect related to COVID-19?**

In addition to Emergency Order 2020-28, Order 2020-12 related to Wearing of Facial Coverings and Emergency Order 2020-17 related to Enforcement Mechanisms, remain in effect.

**Is the State of Emergency still in effect in Palm Beach County?**

Yes, the State of Emergency in Palm Beach County remains in effect.

## **Are previous orders related to recreation, marine and boating activities, golf, community pools, parks and natural areas still in effect?**

No, those orders have been repealed per EO 2020-28, and the provisions and restrictions in them are no longer in effect. The provisions of EO 2020-28 will now apply to these facilities and activities which include measures of mandatory facial coverings, social distancing, and cleaning and disinfecting requirements as put forth in the order.

## **Will the facial covering requirement be in effect for individuals riding on golf carts?**

Per EO 2020-12 facial coverings are required outdoors where social distancing in accordance with CDC guidelines is not possible or not being practiced. This includes, but is not limited to, common areas within private communities accessible to more than one housing unit. As such, shared golf cart use with two riders from different households requires wearing of facial coverings.

## **What regulations apply to community pools and other recreational facilities governed by Home Owner and Condominium Associations?**

Emergency Order 2020-28 repealed and replaced the previous recreational facilities orders that addressed community pools and other HOA recreational facilities. Here are the relevant provisions that now apply.

- a) Facial coverings: Per EO 28, s. 4, which incorporates EO 12, facial coverings must be worn by individuals when utilizing indoor common spaces (e.g., a card room). Facial coverings must be worn by individuals when utilizing outdoor commons spaces (e.g., pools) ***only when social distancing is not possible or not being practiced***. In other words, for outdoor common spaces, facial coverings need not be utilized if social distancing is being practiced.
- b) Social distancing: Per EO 28, s. 5, social distancing must be practiced by all individuals, whether indoor or outdoor. For further guidance: [CDC Social Distancing Guidelines](#)
- c) Cleaning and Disinfecting: Per EO 28, s. 6, HOAs must adhere to “enhanced cleaning protocols.” The term “enhanced” basically requires HOAs to clean more than they otherwise would have had COVID not been an issue. HOAs will have flexibility in meeting this requirement. Guidance can be obtained from the Centers for Disease Control website if needed. For further guidance: [CDC Cleaning and Disinfecting Your Facility Guidelines](#).

**Are all restaurants, bars, entertainment venues, concert houses, theaters, bingo parlors, recreation facilities, nightclubs, adult entertainment venues, comedy clubs, hookah, cigar and smoking lounges, billiard halls, bowling alleys, escape rooms, movie theaters, playhouses, skating centers, clubhouses, banquet halls, ballrooms, tanning salons, massage and acupuncture establishments, tattoo parlors and body piercing facilities, and family arcades allowed to open in Palm Beach County and at what capacity?**

Yes, all of these establishments are allowed to be open at 100% capacity. They must comply with the three measures of mandatory facial coverings, social distancing, and cleaning and disinfecting requirements as put forth in EO 2020-28.

**Are vacation rentals allowed to continue operating in Palm Beach County?**

Yes, vacation rentals may continue to operate in Palm Beach County, but all county-specific vacation rental regulations specified in EO 2020-19 are no longer in effect. They still must comply with the mandatory facial coverings, social distancing, and cleaning and disinfecting requirements as put forth in EO 2020-28.

**Can I host or attend a social event, sporting event, or large gathering?**

Yes, but with caution. There is growing evidence that the more a person interacts with others in an enclosed and crowded area and the longer that interaction, the higher the risk of COVID-19 spread. Limiting close face-to-face contact with others is the best way to reduce the spread of the disease. Therefore, Palm Beach County strongly encourages all agencies, businesses, establishments, and quite frankly everyone, to continue or maintain any preventative strategies they have implemented to mitigate viral-laden droplet and aerosol spread by either limiting indoor capacity, reducing opportunities for close contact, and/or decreasing the amount of prolonged periods (>15 minutes) of interaction with others. Palm Beach County discourages large social events or gatherings at this time. However, should they occur, participants should continue to wear a mask at all times, maintain physical distancing, avoid close contact with others, and practice good hand hygiene. The CDC has [Guidelines for Events and Gatherings](#) that any entity considering hosting an event will want to strongly consider in order to enhance the safety and welfare of the participants.

(Amended 10/5/2020)