FILED
Department of Business and Professional Regulation
Senior Deputy Agency Clerk
CLERK Brandon Nichols
Date 6/26/2020
File # 2020-03553

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

EMERGENCY ORDER 2020-09

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, all counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

WHEREAS, the Governor issued Executive Order 20-52 on March 9, 2020, pursuant to the authority vested in him by Article IV, Section 1(a) of the Florida Constitution, the State Emergency Management Act, s. 252.31, Florida Statutes, *et al.*, as amended, and all other applicable laws, and declared a state of emergency for the State of Florida; and

WHEREAS, the Governor, in Executive Order Number 20-52, authorized each State agency to suspend the provisions of any regulatory statute of that agency, if strict compliance with that statute would in any way prevent, hinder, or delay necessary action in coping with this emergency; and

WHEREAS, on April 29, 2020, the Governor issued Executive Order 20-112 initiating Phase 1 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery;

WHEREAS, on June 3, 2020, the Governor issued Executive Order 20-139 initiating Phase 2 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery for 64 counties;

WHEREAS, under Phase 2, bars and other vendors licensed to sell alcoholic beverages for consumption on the premises were given permission to operate at fifty (50) percent of their indoor capacity, so long as they provided seated service only;

WHEREAS, the Governor directed the Department of Business and Professional Regulation to enforce the restrictions in Executive Order 20-139;

WHEREAS, during the month of June 2020, the number of individuals testing positive for COVID-19 increased significantly in the State of Florida, especially among younger individuals, and some of these cases involving younger individuals are suspected to have originated from visits to bars, pubs, or nightclubs who have disregarded the restrictions set forth in Phase 2 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, noncompliance by bars and other vendors licensed to sell alcoholic beverages for consumption on the premises is suspected throughout the State to such a degree as to make individualized enforcement efforts impractical and insufficient at this time;

NOW, THEREFORE, I, HALSEY BESHEARS, Secretary of Florida's Department of Business and Professional Regulation, pursuant to the authority granted by Executive Order Nos. 20-52, 20-71, 20-112, and 20-139, find the timely execution of the mitigation, response, and recovery aspects of the State's emergency management plan, as it relates to COVID-19, is negatively impacted by the operation of certain regulatory statutes related to the Department of Business and Professional Regulation ("the Department"). Therefore, I order the following:

1. All vendors licensed to sell alcoholic beverages for consumption on the premises who derive more than 50% of gross revenue from such sales of alcoholic beverages shall suspend such sales of alcoholic beverages for consumption on the premises. Such vendors may continue to sell alcoholic beverages in sealed containers for consumption off the premises in accordance with Executive Order 20-71, Sections 1 and 2.

2. Vendors who are also licensed as public food service establishments or "restaurants" under Chapter 509, Florida Statutes, may continue to operate for on-premises consumption of food and beverages at tables pursuant to the restrictions in Executive Order 20-139, so long as these vendors derive 50% or less of gross revenue from the sale of alcoholic beverages for on-premises consumption.

3. This Emergency Order shall take effect on the date of its filing.

Executed this 26th day of June, 2020, in Tallahassee, Leon County, Florida.

FLORIDA DEPARTMENT OF BUSINESS
AND PROFESSIONAL REGULATION

Halsey Beshears, Secretary
2601 Blair Stone Road
Tallahassee, Florida 32399

Filed on this date, with
the designated Agency Clerk,
receipt of which is hereby
acknowledged.

Agency Clerk's Office

Date: 6/26/2020