STATE OF FLORIDA
DIVISION OF EMERGENCY MANAGEMENT

IN RE: SUSPENSION OF STATUTES, RULES, AND ORDERS, PURSUANT TO EXECUTIVE ORDER NUMBER 20-52, MADE NECESSARY BY THE COVID-19 PUBLIC HEALTH EMERGENCY

DEM ORDER NO. 20-006

EMERGENCY ORDER

WHEREAS, the Governor of the State of Florida issued Executive Order No. 20-52 in response to the COVID-19 Public Health Emergency, which poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State; and,

WHEREAS, the Governor has designated the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and has delegated to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes; and,

WHEREAS, on March 14, 2020, Governor DeSantis directed me, as the State Coordinating Officer, under the powers afforded by Executive Order No. 20-52, to prohibit visitation to certain facilities for thirty days from the date of this order in the State of Florida.

NOW, THEREFORE, I, JARED MOSKOWITZ hereby find that the Division of Emergency Management's timely performance of disaster response functions related to COVID-19 Public Health Emergency is hindered by the application of procedures imposed by statute, rule, and/or order. Therefore, pursuant to Section 2 of Executive Order No. 20-52, I hereby suspend sections 393.13(4), 394.459(5)(c), 400.022(1)(b), 429.28(1)(d),

429.85(1)(d), and 916.107(5) Florida Statutes, for the particular purpose of prohibiting all individuals from visiting facilities within the State of Florida. For purposes of this order, a facility includes: Group Home Facilities under chapter 393, Florida Statutes; Developmental Disabilities Centers under chapter 393; Nursing Homes as provided under chapter 400; homes for Special Services as provided under chapter 400; Long-Term Care Hospitals, as provided under chapter 395, part I; Transitional Living Facilities, as provided under chapter 400; Intermediate Care Facilities for the Developmentally Disabled, as provided under chapter 400; Assisted Living Facilities, as provided under chapter 429; Adult Mental Health and Treatment Facilities under chapter 394; Adult Forensic Facilities under chapter 916; Civil Facilities under chapter 916; and Adult Family-Care Homes, as provided under chapter 429, Florida Statutes. The order applies as follows:

1. Every facility must prohibit the entry of any individual, to the facility except in the following circumstances:

a. Family members, friends, and visiting residents in end-of-life situations;

b. Hospice or palliative care workers caring for residents in end-of-life situations;

c. Any individuals providing necessary health care to a resident;

d. Facility staff;

e. Facility residents;

f. Attorneys of Record for a resident in an Adult Mental Health and Treatment Facility for court related matters if virtual or telephonic means are unavailable; or

g. Representatives of the federal or state government seeking entry as part of their official duties, including, but not limited to, Long-Term Care Ombudsman program, representatives of the Department of Children and Families, the Department of Health, the Department of Elderly Affairs, the Agency for Health Care Administration, the Agency for Persons with

Disabilities, a protection and advocacy organization under 42 U.S.C. §15041, the Office of the Attorney General, any law enforcement officer, and any emergency medical personnel.

2. Individuals seeking entry to the facility under the above section 1 will not be allowed to enter if they meet any of the screening criteria listed below:

a. Any person infected with COVID-19 who has not had two consecutive negative test results separated by 24 hours;

b. Any person showing, presenting signs or symptoms of, or disclosing the presence of a respiratory infection, including cough, fever, shortness of breath or sore throat;

c. Any person who has been in contact with any person(s) known to be infected with COVID-19, who has not yet tested negative for COVID-19 within the past 14 days;

d. Any person who traveled through any airport within the past 14 days; or

e. Any person who traveled on a cruise ship within the past 14 days.

4. Residents must be discouraged from leaving the facility.

5. The following documentation must be kept for visitation within a facility:

a. Individuals entering a facility subject to the screening criteria above may be screened using a standardized questionnaire or other form of documentation.

b. The facility is required to maintain documentation of all non-resident individuals entering the facility. Documentation must include:

1. Name of the individual;

2. Date and time of entry; and

3. The documentation used by the facility to screen the individual showing the individual did not meet any of the enumerated screening criteria, including the screening employee's printed name and signature.

Because section 252.36(5)(a), Florida Statutes, allows the Governor to suspend the provisions of "any regulatory statute prescribing the procedures for [the] conduct of state

business", and because Executive Order No. 20-52 designates the Director of the Division of Emergency Management as the State Coordinating Officer for this emergency, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to this Order.

The effective dates of this Order shall correspond with the effective dates of Executive Order No. 20-52.

By Order of the State Coordinating Officer executed this 15th day of March, 2020, in Tallahassee, Leon County, Florida.

Jared Moskowitz
State Coordinating Officer
Florida Division of Emergency Management
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399

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

Division Clerk

Date: 3/15/20