

Floridians ordered to stay home with exceptions to perform essential activities through April 30



Michael W. Wise, Teresa Metcalf Beasley, Carla Erskine | Monday, April 6, 2020

Starting Friday, April 3, 2020 at 12:01 a.m., all individuals in Florida will be required to limit their movements outside of their home to essential services and essential activities. On Wednesday, March 31, Florida Gov. Ron DeSantis issued [Executive Order No. 20-91](#), “Essential Services and Activities During COVID-19 Emergency.” The order states “all persons in Florida shall limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities.” The order encourages individuals to work from home and at the same time, encourages businesses to provide delivery, carry-out services outside of the business to the extent practicable.

What is the scope of the order?

The order applies to senior citizens and individuals with underlying medical conditions located in the state of Florida requiring them to stay at home. Underlying medical conditions include but are not limited to: chronic lung disease, moderate-to-severe asthma, serious heart conditions, immunocompromised status, cancer, diabetes, severe obesity, renal failure and liver disease.

The order also requires that all persons in Florida limit their movements and personal interactions outside of their home to only obtain Essential Services or conduct Essential Activities.

What is considered an Essential Service?

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The order encourages individuals to work from home and encourages businesses to provide delivery services to the to the extent practicable. It further designates certain businesses and activities as “essential services” as detailed in: (a) [Executive Order 20-89](#) and the attached list established by Miami-Dade County, and; (b) [U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce v.2](#) , dated March 28, 2020. Essential retail and commercial businesses, which may remain open, include:

- Healthcare providers, including, but not limited to, hospitals, doctors' and dentists' offices, urgent care centers, clinics, rehabilitation facilities, physical therapists, mental health professionals, psychiatrists, therapists, and pharmacies.
- Grocery stores, farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This authorization includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operations of residences.
- Food cultivation, including farming, livestock, and fishing.
- Businesses that provide food, shelter, social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- Newspapers, television, radio, and other media services.
- Gas stations and auto-supply, auto-repair, and related facilities.
- Banks and related financial institutions.
- Hardware stores.
- Contractors and other tradesmen, appliance repair personnel, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences and other structures.
- Businesses providing mailing and shipping services, including post office boxes.
- Private colleges, trade schools, and technical colleges, but only as needed to facilitate online or distance learning.
- Laundromats, dry cleaners, and laundry service providers.
- Restaurants and other facilities that prepare and serve food, but subject to the limitations and requirements of Emergency Order 3-20. Schools and other entities that typically provide free food services to students or members of the public may continue to do so on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site.
- Businesses that supply office products needed for people to work from home.
- Businesses that supply other essential businesses with the support or supplies necessary to operate, and which do not interact with the general public.
- Businesses that ship or deliver groceries, food, goods, or services directly to residences.
- Airlines, taxis, and other private transportation providers providing transportation services via automobile, truck, bus, or train.
- Home-based care for seniors, adults, or children.
- Assisted living facilities, nursing homes, and adult day care centers, and senior residential facilities.

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- Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.
- Landscape and pool care businesses, including residential landscape and pool care services.
- Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities should operate under the following mandatory conditions: 1) Childcare must be carried out in stable groups of 10 or fewer (inclusive of childcare providers for the group); 2) Children and child care providers shall not change from one group to another, and 3) If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix or interact with each other.
- Businesses operating at any airport, seaport, or other government facility, including parks and government offices.
- Pet supply stores.
- Logistics providers, including warehouses, trucking, consolidators, fumigators, and handlers.
- Telecommunications providers, including sales of computer or telecommunications devices and the provision of home telecommunications.
- Provision of propane or natural gas.
- Office space and administrative support necessary to perform any of the above listed activities.
- Open construction sites, irrespective of the type of building.
- Architectural, engineering, or land surveying services.
- Factories, manufacturing facilities, bottling plants, or other industrial uses.
- Waste management services, including collection and disposal of waste.
- Any business that is interacting with customers solely through electronic or telephonic means, and delivering products via mailing, shipping, or delivery services.

The State's Director of the Division of Emergency Management, [designated as the State Coordinating Officer](#) for the duration of this pandemic emergency, can (in close co-ordination with the State Health Officer) extend the list of what is considered an Essential Service and will maintain and update this list online at the [Division of Emergency Management's website](#) and the [Florida Department of Health's website](#).

What qualifies as an Essential Activity?

Individuals may only leave their residences to perform the following "essential activities":

1. **Religious services** – Attending religious services conducted in churches, synagogues and houses of worship.
2. **Recreational activities** – Participating in recreational activities consistent with the social distancing guidelines, such as walking, biking, hiking, fishing, hunting, running or swimming.
3. **Health and safety** – Taking care of pets and taking caring for or otherwise assisting a loved one or a friend.

Similar to the protocol for the determination of what is considered an Essential Service, the State Coordinating Officer can extend the list of what is considered an Essential Activities and will maintain this list online at the [Division of Emergency Management's website](#) and the [Florida Department of Health's website](#).

What activities are prohibited?

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The order explicitly prohibits social gatherings in all public spaces and directs local jurisdictions to ensure that groups greater than ten people are not permitted to congregate in any public space. It further extends [Executive Order 20-68](#) which requires that bars, pubs and night clubs to suspend sale of alcoholic beverages and also directs restaurants and those accessing public beaches to follow CDC guidelines limiting gatherings to no more than 10 persons and distance themselves from other parties by 6 feet. [Executive Order 20-71](#) takes it one step further and suspends all vendors licensed to sell alcoholic beverages for consumption on premises to suspend the sales of alcoholic beverages, suspend on-premises food consumption for customers at restaurants and ordered gym facilities closed. Both these orders shall remain in effect through the duration of [Executive Order 20-52](#) (May 8, 2019) and any extensions thereof.

How will the order be enforced?

The order will be enforced by state and local law enforcement to the extent set forth under Florida law. It will remain in effect until 11:59 p.m. on April 30, 2020, unless extended by a subsequent order issued by Gov. DeSantis.

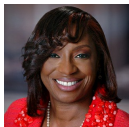
McDonald Hopkins has a [Rapid Response Team](#) of professionals dedicated to assisting businesses experiencing financial distress as result of the coronavirus. [Click here for a list of articles focused on providing legal and business solutions to the impact of the coronavirus on your business.](#)

If you have questions regarding Florida's "Essential Services and Activities During COVID-19 Emergency" order or questions on what qualifies as "Essential Activities," please contact the attorneys listed below.



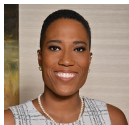
Michael W. Wise

[Team member bio](#)



Teresa Metcalf Beasley

[Team member bio](#)



Carla Erskine

[Team member bio](#)