

Reopening Your Community: Frequently Asked Questions

By Ashley D. Lupo & Jennifer A. Nichols

With the issuance of [Executive Order 20-112: Safe. Smart. Step-by-Step. Plan for Florida's Recovery](#) and the expiration of the Governor's Safer at Home Order (Executive Order No. 20-91) on May 4, 2020 pursuant to [Executive Order 20-111](#), we wanted to provide answers to some frequently asked questions and some information.

Among other areas, **Executive Order 20-112** is effective May 4, 2020 and addresses the following areas with no set expiration date for the order:

- **Restaurants:** May reopen and allow on-premises consumption of food and beverage. Social distancing guidelines must be followed.
 - Indoor occupancy is limited to no more than 25% of the building's capacity.
 - Outdoor seating is permissible with appropriate social distancing (6 feet between parties and no more than 10 people per party).
 - Bars and counter spaces remain closed to seating.
 - All alcohol vendors shall cease selling alcohol for consumption on premises but may continue to sell alcoholic beverages in sealed containers for consumption of premises.
 - Statutory restrictions prohibiting alcohol sales for delivery, take-out or consumption off premises are suspended so long as the sale of alcohol is accompanied by the sale of food in the same order.
- **Gyms and Fitness Centers:** Remain closed as originally established in [Executive Order 20-71](#).
 - Exceptions: gyms that are amenities of hotels with 10 people to less, an amenity to a residential building, are interior to any fire or police stations, or are located within a single occupant office building.
- **Vacation Rentals:** Vacation rentals are not permitted for the duration of Executive Order 20-112
- **Isolation of Individuals Traveling to Florida from Certain States**, as originally established in [Executive Order 20-87](#), is extended for the duration of Executive Order 20-112.
- **Vulnerable Persons are Encouraged to Stay Home**
 - This group includes: senior citizens (over 65 years of age), and individuals with significant underlying medical conditions such as chronic lung disease, moderate-to-severe asthma, serious heart conditions, immunocompromised status, cancer, diabetes, severe obesity, renal failure, and liver disease are strongly encouraged to stay at home
- **Guiding Principles in place for the Duration of Executive Order 20-112:**

- Avoid congregating in large groups. Local jurisdictions are required to ensure that groups of people greater than ten are not permitted to congregate in any public space that does not readily allow for appropriate physical distancing.
- Avoid nonessential travel, including to U.S. states and cities outside of Florida with a significant presence of COVID-19.
- Adhere to guidelines from the CDC regarding isolation for 14 days following travel on a cruise or from any international destination and any area with a significant presence of COVID-19.
- **The Florida Department of Health: Best Practices**
 - The Florida Department of Health has numerous helpful downloads that address General Prevention Guidelines, Social Distancing at Your Business, and Care Resources specific to Assisted Living Facilities.

The Florida Department of Health Resources can be found [here](#).

FREQUENTLY ASKED QUESTIONS:

When does the State of Emergency expire?

The Governor's Executive Order (Executive Order No. 20-52) which established the state of emergency is scheduled to expire on **May 8, 2020**. Governor DeSantis has outlined a phased approach to reopening the State which begins on May 4, 2020. We will continue to advise our clients as any extensions are issued.

Can Associations keep the amenities closed and continue to implement restrictions on access by vendors and guests after the Governor's Safer at Home Order expires?

Yes, as long as the declaration of a state of emergency is in effect. This does not include the reopening of restaurant functions, which are addressed above as to the restaurant restrictions.

The Board of Director's emergency powers under the condominium, cooperative and HOA Acts are tied to the state of emergency and the local, state and federal guidelines, not the Governor's Safer at Home Order. The Board should make sure that its actions and authority taken under its emergency powers are clearly stated in the minutes, in communications to the owners and in postings near the entrance to amenities.

Can Associations re-open their pools, tennis and other amenities?

Yes. However, in doing so you will want to reiterate compliance with the CDC's guidelines on social distancing and no gatherings of 10 or more people.

The Board should also publish clear disclosures to the owners on any amenity restrictions, as well as the Board's plan regarding those amenities. The CDC has published recommendations on developing, implementing and maintaining a plan for cleaning and disinfecting areas.

Publishing your plan to your membership will also spread awareness of the plan and how it will be implemented in conjunction with the State's phases and timelines for reopening.

The CDC has also published a list of approved disinfectants for use against COVID-19

The list is for disinfecting products that can be used to disinfect surfaces. These products are not for use on humans. The CDC advises following the direction on the disinfectants' labels for safe, effective use. The list is updated periodically and can be found [here](#).

How do communities handle renovation and construction projects and still keep their communities safe?

As stated above, you can continue to restrict access by all vendors and continue to monitor the State and local government's orders pertaining to construction and essential services until May 8, 2020.

If there is no extension of the Governor's Emergency Declaration on or before May 8, 2020, the Board loses its ability to restrict projects under its emergency powers, but we recommend the Board adopt a different protocol for contractors working outside versus contractors inside. For contractors working inside, the Board should work to have a clear policy on COVID-19 policies, Personal Protection Equipment (PPE), and sanitation.

If you have any questions or concerns, please contact any of the listed Roetzel attorneys.

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