

Good afternoon,

All of us here in Lauderdale-By-The-Sea hope that this email finds you well.

The Governor and Broward County have issued new emergency orders and the Town has received questions asking for clarification of the orders, specifically as to restaurants and bars. Below please find our summary of the two orders. We have been advised that additional County orders may be issued, and such orders may change the requirements.

Governor's Executive Order 20-244

https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-244.pdf

- No COVID-19 emergency order may prohibit an individual from working or operating a business.
- Restaurants cannot be limited to less than 50% capacity by a local government, unless the local government quantifies the economic impact of such limitation and explains why the limitation is necessary for the public health.
- The order suspends the collection of fines and penalties associated with COVID-19 enforced upon individuals.

Broward County Order 20-26

<https://www.broward.org/CoronaVirus/Documents/EmergencyOrder20-26.pdf>

- Allows bars and pubs to operate, but only if in compliance with the below. The indoor seating areas of a bar must not exceed 50% of the maximum indoor seating capacity of the establishment.
- Restaurants may continue to operate in compliance with Attachment 2. The County advises that the capacity limitation no longer applies to restaurants because of the Governor's Order.
- Attachment 2 – Below are highlights of the Attachment. Please review Attachment 2 in its entirety for all of the detailed requirements.
 - Tables and chairs: there must be at least 6 feet between parties.
 - Parties (parties are all persons at any one table) are limited to no more than 6 persons total.
 - Patrons are prohibited from ordering food or drinks at the bar counter, and are prohibited from congregating at the bar counter or elsewhere.
 - A bar counter does not include a counter where patrons are seated and are served only food (cannot consume alcohol), but a plexiglass partition must be placed between patrons seated at a counter and any staff working on the other side of the counter.
 - Total indoor and outdoor seating cannot exceed existing total maximum occupancy.

Facial Coverings

<https://www.broward.org/CoronaVirus/Documents/EmergencyOrder20-21.pdf>

<https://www.broward.org/CoronaVirus/Documents/EmergencyOrder20-22.pdf>

<https://www.broward.org/CoronaVirus/Documents/FacialCoveringsFAQs.pdf>

- The same facial covering rules apply to restaurants and bars as elsewhere. County Order 20-21, as amended by County Order 20-22, requires all persons in Broward County to wear a facial covering while outside the geographical boundaries of their residential property if social distancing cannot be consistently maintained. Persons are not required to wear a facial covering while eating or drinking.
- County Order 20-21 Section 3.C. provides that all establishments are responsible for ensuring all employees and patrons of the establishment comply with the facial covering requirements of that Order.

- County Order 20-22 Section 4.C. prohibits establishments from serving or transacting business with any person or patron that is not in compliance with the facial covering requirements.
- Attachment 2 of County Order 20-26 requires employers to require employees to use facial coverings in accordance with Emergency Order 20-21, as amended.

ATTACHMENT 2
ALL ESTABLISHMENTS SERVING FOOD OR ALCOHOL

Establishments properly licensed by the Department of Business and Professional Regulations to serve food and/or alcohol are permitted to operate provided that the operations: (a) are consistent with the guidelines stated in all applicable Emergency Orders, including Emergency Order 20-21 and this **Attachment 2**; (b) comply with the CDC Guidelines, including the six foot (6') distancing requirement; and (c) comply with the capacity limitations stated in Section A.5 below.

Parties (as used herein, "parties" are all persons at any one table) must be limited to no more than six (6) persons total.

All tables and chairs, whether indoor or outdoor, must be at least six feet (6') apart between parties (at their closest point). All bar counters must be closed to seating and service directly to patrons, and bar counters may be accessed only by staff. Patrons are prohibited from ordering food or beverage at the bar counter and are prohibited from congregating at the bar counters or elsewhere. For purposes of this Attachment, a bar counter does not include a counter where patrons are seated and are served only food and cannot consume alcohol, but a plexiglass partition must be placed between patrons seated at a counter and any staff working on the other side of the counter. Patrons seated at these permitted counters who are not members of the same party must be spaced at least six feet (6') apart.

No more than ten (10) people may congregate at or near any establishment serving food or alcohol (e.g., at the entrance, exit, waiting area, or near restrooms), including food trucks, at any time, and any person in line must maintain at least six feet (6') between persons not of the same household. If more than ten (10) persons are congregated around multiple food trucks, the food trucks must be separated by at least fifty (50) yards.

A. Operations Requirements.

1. Establishments must conspicuously post the Restaurants and Food Establishments Required Signage in accordance with Emergency Order 20-23.

2. On-premises dining areas must be fully closed to patrons (including closed as to consumption of food and/or beverages by patrons) between the hours of **11 p.m. and 5 a.m.**, except for the activities stated below. Establishments must restrict ordering and consumption of food or beverages by patrons for on-premises consumption to only while such patrons are seated at their assigned table. Ordering from a bar counter by a patron at any time and for any purpose is strictly prohibited. This subsection does not limit or prohibit operations other than on-premises dining (for example, food preparation/cooking, facility cleaning, or food delivery/take-out services) between the hours of **11 p.m. and 5 a.m.**

3. Sale of alcohol for off-site consumption, including for pick-up, take-out, drive-through, and delivery, is prohibited between the hours of **11 p.m. and 5 a.m.**

4. Except to the extent prohibited by Section A.3 above, drive-through, curbside take out, or delivery service may continue in accordance with CDC Guidelines and all applicable Broward County Emergency Orders, provided that social distancing of at least six feet (6') between persons not of the same household is maintained at all times and the patron(s) obtaining the food or beverage(s) immediately leave the establishment upon receipt of the ordered items. Establishments must comply with the following capacity limitations: indoor seating areas must not exceed fifty percent (50%) of the maximum indoor seating capacity of the establishment; total indoor and outdoor seating (defined as areas with exclusively open-air customer seating) combined occupancy shall not exceed existing total maximum occupancy (100%) for the establishment. Outdoor seating areas shall be subject to any additional limitations imposed by the applicable municipality, and nothing in this **Attachment 2** precludes any municipality from waiving or modifying municipal regulations regarding outdoor seating restrictions.

5. Ensure adequate supplies to support healthy hygiene practices for both employees and customers, including soap, hand sanitizer with at least 60 percent alcohol, and tissues, and make hand sanitizer readily available to guests. Signs on how to stop the spread of COVID-19, including signs on properly washing hands, everyday protective measures, facial coverings, and social distancing should be conspicuously posted.

6. To the extent possible, establishments shall provide single use disposable one-time menus, utilize chalkboard menus, digital menus that are sanitized after each use, other digital menu options available on a personal device, or other means to avoid customers sharing such items.

7. Whenever possible, use disposable (and when possible, biodegradable) food service items (utensils, dishes, cups, etc.) and single serving seasonings and condiments to avoid customers sharing such items. If disposable items are not feasible, ensure that all non-disposable food service items are handled with gloves and are washed in between each customer usage with dish soap and hot water or in a dishwasher. Establishments must use packets or pre-rolled bags or wraps of utensils and eliminate table presets. Avoid using food and beverage implements brought in by customers.

8. Use touchless payment options whenever available. Ask customers and employees to exchange cash or card payments by placing on a receipt tray or on the counter rather than hand to hand. Sanitize any pens, counters, or hard surfaces between each use.

9. Ensure that ventilation systems operate properly to provide adequate air circulation in all parts of the facility and increase circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods.

10. Provide physical guides, such as tape on floors or sidewalks, to ensure that customers remain at least six feet (6') apart when in lines. Ask customers to wait in their cars or away from the establishment while waiting for a table or to pick up food. If possible, alert patrons on their cellphone that their table or food is ready to avoid use of restaurant provided "buzzers." Post signs to inform customers of food pickup protocols.

11. Use placards or other easily visible means to identify tables closed due to social distancing and to identify tables that have been sanitized and are ready for the next use.

12. Restrict the number of employees in shared spaces, including kitchens, break rooms, and offices to maintain at least a six-foot distance between people if possible; employees must wear facial coverings. Where possible, stagger workstations instead of having employees standing opposite one another. If there is a break room, limit the number of employees simultaneously allowed inside.

13. Wherever possible, install physical barriers, such as sneeze guards and partitions, at cash registers, check-in stations, food pickup areas, and other areas where consistently maintaining physical distance of six feet (6') is difficult.

14. Ensure that all suppliers and third-party delivery staff are aware of social distancing requirements.

15. Child gaming and play spaces, including bounce houses, playgrounds, and ball pits, located in dining establishments must remain closed.

16. Adult games, including darts, arcade games, billiards, and other similar games, may operate provided that all other requirements of this **Attachment 2** are complied with, including the requirement that food and beverages be consumed exclusively while patrons are seated at their assigned table. While playing games, patrons are not permitted to consume food or drinks and must continue to adhere to the facial covering requirements of Emergency Order 20-21, as amended.

17. Consider options for a reservations-only model or to have dine-in customers order ahead of time to limit the amount of time spent in the establishment.

18. All buffet-style food or salad bars must be served by staff. Self-service buffets and salad bars are prohibited. Self-service drink stations must provide single use tissues or wipes to use the equipment, and the stations must be washed and sanitized frequently. Remove cut fruit, unwrapped utensils, and unwrapped straws from drink stations.

19. Any rental of restaurant space for a private event must also comply with the guidelines for function spaces stated in **Attachment 20**.

20. Any performer providing live entertainment at the establishment must maintain at least ten feet (10') of distancing from patrons at all times.

B. Sanitation and Safety Requirements.

1. Employers must enforce hand washing and use of facial coverings by employees in accordance with Broward County Emergency Order 20-21, as amended. This includes the requirement that all staff must wear facial coverings at all times. All

employees handling, preparing, or serving food must wear facial coverings. Food preparers are also required to wear gloves while handling food.

2. Clean and disinfect frequently touched surfaces (for example, door handles, workstations, cash registers), and frequently shared objects (for example, payment terminals, tables, countertops/bars, receipt trays, pens, condiment holders, and any re-used menus) between each use. Tables and other dining areas must be sanitized after each use. Host stations must be sanitized at least hourly. Use products that meet EPA's criteria for use against COVID-19 and that are appropriate for the surface.

3. Restrooms must be sanitized no less frequently than hourly.

4. Implement procedures to increase how often you clean and sanitize surfaces in the back-of-house (non-public areas of the establishment). Ensure that disinfectants used on food contact surfaces are appropriate and do not leave a toxic residue.

5. Train all employees in the above safety protocols, in addition to the importance of frequent handwashing, and give them clear instructions to avoid touching hands to face.

6. Conduct daily health checks (e.g., temperature and/or symptom screening) of employees in accordance with any applicable privacy laws and regulations. Remind employees to report any illness to their manager and have them verify that they have not had any COVID-19 symptoms each day prior to them coming to work.

7. Employees with symptoms of COVID-19 (fever, cough, or shortness of breath, among others) at work should immediately be sent home. Provide with or refer sick staff members to the CDC guidelines and advise them not to return until they have met the CDC's criteria to discontinue home isolation. Sick employees not exhibiting COVID-19 symptoms should also be immediately sent home and not be allowed to return until they are symptom-free.

8. Notify local health officials, staff, and customers (if possible) immediately of any confirmed case of COVID-19 while maintaining confidentiality as required by HIPAA, the Americans with Disabilities Act (ADA), or other applicable laws.

9. Deep clean the establishment at least once every twenty-four hours.