

PUBLICATION

Florida Stay at Home Order: What Florida Businesses Need to Know

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On April 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-91 in response to the COVID-19 pandemic, requiring all persons in Florida to limit their movements and personal interactions outside of their homes to only those necessary to obtain or provide "essential services" or conduct "essential activities." The order is effective as of 12:01 AM on Friday, April 3, 2020 and is intended to minimize person-to-person transmission of COVID-19 in Florida via social distancing measures and encourages Florida individuals to work from home. While "essential activities" primarily relate to personal activities, such as attending religious services, participating in recreational activities (provided they are conducted within social distancing guidelines) such as walking, biking, hiking, fishing, hunting, running, or swimming, caring for pets, and caring for or otherwise assisting a loved one or friend, the term "essential services" pertains to business services.

To best assess the impact on business operations, Florida businesses should consider carefully reviewing the order, and any prior orders or documents referenced within the order and modify their business operations accordingly. Key provisions of the order are summarized below to aid in such business assessments. To the extent a local official action or order is less restrictive, the Governor's Order prevails, but local governments can still impose restrictions that go beyond the state-wide mandate. Accordingly, in conducting their assessments, businesses should also consider restrictions imposed by local government jurisdictions to which they are subject.

The order defines "essential services" as the list identified in the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency's (CISA) [Guidance on the Essential Critical Infrastructure Workforce](#), dated March 28, 2020, or as subsequently amended. The CISA Guidance provides broad listings of critical services within the following critical sectors:

- 1. Health Care/Public Health**

Examples include health care providers and caregivers, including physicians, dentists, psychologists, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists, social workers, optometrists, speech pathologists, chiropractors, diagnostic and therapeutic technicians and technologists, hospital and laboratory services, and medical supply manufacturing.

- 2. Law Enforcement, Public Safety and other First Responders**

Examples include front line staff and management in emergency management, law enforcement, fire and rescue services, emergency medical services and private security.

- 3. Food and Agriculture**

Examples include groceries, pharmacies, restaurant carry-out and delivery services, food manufacturers, agriculture, sawmills and paper products manufacturers, and veterinary services.

- 4. Energy**

Examples include energy generation, regardless of source, commodity/trading functions, IT and OT

functions, and environmental remediation and monitoring.

5. Water and Wastewater

Examples include operating and maintaining drinking water and wastewater drainage infrastructure, including chemical and equipment suppliers.

6. Transportation and Logistics

Examples include support of transportation functions, distribution, critical transit services, personal and commercial transportation services, rail, air and maritime transportation.

7. Public Works and Infrastructure

Examples include operation, inspection and maintenance of public works facilities, waste removal, maritime commerce inspections and road maintenance.

8. Communications and Information Technology

Examples include maintenance of public and private communications systems, undersea cables, fiber optics, dispatching services, and security and fire monitoring.

9. Other Community or Government-Based Operations and Essential Functions

Examples include key community and government functions including local governments, elections, judiciary, trade, weather forecasting, education and news media.

10. Critical Manufacturing

Examples include manufacture of metals, industrial minerals, materials for the medical supply chain, mining and production of critical minerals and materials, and essentials services and equipment supporting the remote workforce.

11. Hazardous Materials

Examples include hazardous waste management, including medical, nuclear and chemical waste.

12. Financial Services

Examples include financial transactions, market operations, banking, credit operations and related electronic services.

13. Chemical

Examples include chemical and industrial gas supply chains, transportation of same, production of protective medical equipment, and operation and maintenance of high-risk chemical facilities.

14. Defense Industrial Base

Examples include government contractors relating to the military and other national security priorities, including engineering, IT and other disciplines.

15. Commercial Facilities

Examples include building material supply chains, hardware stores, and heating and cooling equipment and repair.

16. Residential/Shelter Facilities and Services

Examples include food, shelter, and social services for the needy, property management, housing construction and leasing.

17. Hygiene Products and Services

Examples include production of hygiene products, laundry services, personal and household good repairs, disinfection services, and water and space heating equipment.

The order also makes reference to other essential services and activities listed in the Governor's earlier [Executive Order 20-89](#), incorporating a list of such services and activities identified by [Miami-Dade County](#), which includes:

18. Contractors and other tradesmen, appliance repair personnel and exterminators;
19. Private colleges and trade schools, but only as needed to facilitate online or distance learning;
20. Home-based care for seniors, adults or children; and
21. Professional services, including legal or accounting services, when necessary to assist in compliance with legally mandated activities.

In addition to conducting an assessment on whether their services are considered essential services, those Florida businesses that determine they meet the above criteria will also have to identify, assess and implement any public safety modifications to business activities, such as social distancing and handwashing measures, in accordance with earlier executive orders in Florida. To the extent a local official action or order is less restrictive, the Governor's order prevails, but local governments can still impose restrictions that go beyond the state-wide mandate. Accordingly, in conducting their assessments, businesses should also consider restrictions imposed by local government jurisdictions to which they are subject.

If you have any questions, please contact [Aldo Leiva](#) and please visit the [Coronavirus \(COVID-19\): What You Need to Know information page](#) on our website.