



# City of Tampa

*Jane Castor, Mayor*

**Office of the City Attorney**  
**Gina K. Grimes, City Attorney**

315 E. Kennedy Blvd., 5<sup>th</sup> Floor  
Tampa, Florida 33602

Office (813) 274-8996

Fax: (813) 274-8809

**ADVISORY NOTICE REGARDING  
ENFORCEMENT OF  
EMERGENCY EXECUTIVE ORDERS**

It has come to the attention of the City of Tampa that several restaurants that are licensed to sell alcohol have been operating and functioning as bars, with blatant violations of both state and local orders related to occupancy, social distancing, and safety measures such as the wearing of masks. It has been asserted that the rise in COVID-19 cases over the past several weeks is due in large part to those bars and restaurants that ignored the requirements of the orders. Photos and videos posted on social media show venues operating as nightclubs; contact tracing has shown that many infected younger individuals visited these businesses; and several establishments voluntarily shut down due to outbreaks among staff and patrons. Businesses that choose to ignore state and local orders are not only worsening the impacts of COVID-19 in Tampa but may be lengthening the amount of time that businesses are required to be closed or restricted.

**Moving forward, the City of Tampa will be launching site inspections of establishments licensed to sell alcohol which are open under the provisions of this and future COVID-19 emergency orders. Business owners and operators who violate the orders related to occupancy limitations, or who are selling alcohol to patrons who are not seated at socially-distanced tables, or who are operating as nightclubs instead of restaurants, are subject to a second-degree misdemeanor charge that includes up to a \$500 fine and/or up to 60 days in jail. Documentation of violations will be forwarded to the Department of Business and Professional Regulation for further enforcement action, including suspension of alcohol licenses if appropriate.**

We understand that COVID-19 has placed tremendous strain on our local businesses, and put many at financial risk. The City of Tampa has worked hard for several months to educate businesses and individuals about the orders that are in place, and to encourage compliance. For example, on the first effective day of the face covering order, the City distributed over 15,000 masks to bars to hand out to their patrons, and has since given away over 400,000 masks. The

City has also provided financial assistance to businesses and individuals, and disseminated information about other sources of funds.

We all need to continue to work together to end the spread of COVID-19 in Tampa so that we can reopen all of our businesses, and ensure that we are stronger as a community moving forward. We know that this is something that most of our business owners and residents understand, and to which they are committed. We look forward to your cooperation and compliance.



Gina K. Grimes  
City Attorney

**ATTACHED ARE COPIES OF THE MOST RECENT APPLICABLE ORDERS:**

**State of Florida Executive Order Number 20-139 (6/5/2020)** (limits restaurants to 50% indoor capacity, requires social distancing and other safety measures)

**State of Florida Department of Business and Professional Regulation Amended Emergency Order 2020-09 (7/1/2020)**

(Prohibits bars from selling alcohol on-premises; reiterates that restaurants may serve alcohol only to seated customers, with 50% indoor capacity limit, social distancing and other safety measures).

**City of Tampa Executive Order 2020-34 (7/13/2020)** (extending the local state of emergency in Tampa; incorporating all applicable state and county orders).

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 20-139

(Phase 2: Safe. Smart. Step-by-Step. Plan for Florida's Recovery)

**WHEREAS**, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

**WHEREAS**, on April 29, 2020, I issued Executive Order 20-112 initiating Phase 1 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

**WHEREAS**, on May 14, 2020, I issued Executive Order 20-123 for Full Phase 1.

**NOW, THEREFORE, I, RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution and Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order:

Section 1. Phase 2 Recovery

In concert with the efforts of President Donald J. Trump, and based on guidance provided by the White House and the Centers for Disease Control and Prevention (CDC), the Occupational Safety and Health Administration (OSHA), and the Florida Surgeon General and State Health Officer, I hereby adopt the following in response to the recommendations in Phase 2 of the plan published by the Task Force to Re-Open Florida.

- A. Executive Order 20-112, as modified by Executive Orders 20-120, 20-122, 20-123 and 20-131, is extended as further modified below.
- B. In Miami-Dade, Broward and Palm Beach counties, the re-opening provisions of Section 4 of this order will be considered after each county seeks approval with a written request from the County Mayor or if no mayor the County Administrator.

Section 2. Responsible Individual Activity

All persons in Florida are encouraged to follow appropriate social distancing and safety protocols issued by the CDC and OSHA. The direction to follow such protocols, and those additional protocols listed below in this section, is guidance and not enforceable under section 252.47, Florida Statutes.

- A. Senior citizens and individuals with a significant underlying medical condition are strongly encouraged to avoid crowds and take measures to limit the risk of exposure to COVID-19.
- B. All persons in Florida are encouraged to avoid congregating in groups larger than 50 persons.
- C. All persons who work in long-term care facilities should be tested for COVID-19 on a routine basis.
- D. In-store retail businesses, including gyms and fitness centers, should maintain appropriate social distancing and sanitation protocols.

Section 3. Additional Requirements for Certain Individuals Traveling to Florida

Executive Orders 20-80 and 20-82 are extended with exceptions for persons involved in commercial activity and students traveling for the purpose of academic work, internships, sports training and any other activity or program approved by the educational institution. This order supersedes Executive Order 20-86.

Section 4. Business Activity

This order supersedes Executive Orders 20-91 and 20-92 and Executive Order 20-112 Section 2. This order further supersedes any conflicting provisions of Executive Order 20-112 including Section 3C. (gyms) and Section 4 (retail and museums) and Executive Order 20-123

including Section 1.B. (retail), C.(museums) and D. (gyms). This order extends and modifies the remaining provisions of Executive Order 20-112 and Executive Order 20-123 as follows:

- A. Restaurants and other establishments, and bars and other vendors licensed to sell alcoholic beverages for consumption on the premises, may operate at fifty (50) percent of their indoor capacity, excluding employees, as under Executive Order 20-123, Section 1. Bar areas may be open with seated service. In addition, outdoor seating is permissible with appropriate social distancing. This section does not apply to nightclubs. Non-conflicting provisions in Executive Order 20-71, Sections 1 and 2 remain in effect.
- B. Entertainment businesses, including but not limited to movie theaters, concert houses, auditoriums, playhouses, bowling alleys, and arcades may operate at fifty (50) percent of their building capacity, with appropriate social distancing between groups and appropriate sanitation.
- C. Pari-mutuel facilities may seek to operate with a written request from the County Mayor or if no mayor the County Administrator to the Secretary of the Department of Business and Professional Regulation (DBPR) and the approval of the DBPR Secretary.
- D. Personal services, including but not limited to tattooing, body piercing, acupuncture, tanning and massage, may operate with appropriate safety guidelines as outlined by the Department of Health.

Section 6. Previous Executive Order Extended

Executive Order 20-69 is extended until June 30, 2020.

Section 7. Enforcement


This order, with the exception of Section 2, shall be enforced under section 252.47, Florida Statutes, and by the Department of Business and Professional Regulation. Violation of this order is a second-degree misdemeanor pursuant to section 252.50, Florida Statutes, and is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both.

Section 8. Effective Date

This order is effective at 12:01 a.m. on June 5, 2020.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 3rd day of June, 2020.

  
\_\_\_\_\_  
RON DESANTIS, GOVERNOR

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF STATE

**FILED**  
2020 JUN -3 AM 9:49  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**AMENDED EMERGENCY ORDER 2020-09**

**WHEREAS**, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

**WHEREAS**, all counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

**WHEREAS**, the Governor issued Executive Order 20-52 on March 9, 2020, pursuant to the authority vested in him by Article IV, Section 1(a) of the Florida Constitution, the State Emergency Management Act, s. 252.31, Florida Statutes, *et al.*, as amended, and all other applicable laws, and declared a state of emergency for the State of Florida; and

**WHEREAS**, the Governor, in Executive Order Number 20-52, authorized each State agency to suspend the provisions of any regulatory statute of that agency, if strict compliance with that statute would in any way prevent, hinder, or delay necessary action in coping with this emergency; and

**WHEREAS**, on April 29, 2020, the Governor issued Executive Order 20-112 initiating Phase 1 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery;

**WHEREAS**, on June 3, 2020, the Governor issued Executive Order 20-139 initiating Phase 2 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery for 64 counties;

**WHEREAS**, under Phase 2, bars and other vendors licensed to sell alcoholic beverages for consumption on the premises were given permission to operate at fifty (50) percent of their indoor capacity, so long as they provided seated service only;

**WHEREAS**, the Governor directed the Department of Business and Professional Regulation to enforce the restrictions in Executive Order 20-139;

**WHEREAS**, during the month of June 2020, the number of individuals testing positive for COVID-19 increased significantly in the State of Florida, especially among younger individuals, and some of these cases involving younger individuals are suspected to have originated from visits to bars, pubs, or nightclubs who have disregarded the restrictions set forth in Phase 2 of the Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

**WHEREAS**, noncompliance by bars and other vendors licensed to sell alcoholic beverages for consumption on the premises is suspected throughout the State to such a degree as to make individualized enforcement efforts impractical and insufficient at this time;

**NOW, THEREFORE, I, HALSEY BESHEARS**, Secretary of Florida's Department of Business and Professional Regulation, pursuant to the authority granted by Executive Order Nos. 20-52, 20-68, 20-71, 20-112, and 20-139, find the timely execution of the mitigation, response, and recovery aspects of the State's emergency management plan, as it relates to COVID-19, is negatively impacted by the operation of certain statutes related to the Department of Business and Professional Regulation ("the Department"). Therefore, I order the following:

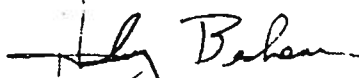
1. Vendors licensed to sell alcoholic beverages for consumption on the premises, but not licensed to offer food service, shall suspend sales of alcoholic beverages for consumption on the premises.
2. Vendors licensed to sell alcoholic beverages for consumption on the premises, and also licensed to offer food service, may continue to operate as restaurants in accordance with Executive Orders 20-68, 20-71, 20-112 and 20-139, by



- Limiting indoor capacity to 50% of seating occupancy, excluding employees;
  - Serving food and beverages for on-premises consumption to customers seated at tables or bar counters, with appropriate social distancing; and
  - Screening employees in accordance with the criteria set forth in Executive Order 20-68, Section 3(C).
3. Vendors licensed to sell alcoholic beverages for consumption on the premises may continue to sell alcoholic beverages for consumption off the premises in accordance with Executive Order 20-71, Sections 1 and 2.
  4. Nothing in this Emergency Order permits nightclubs to operate.
  5. This Emergency Order shall take effect on the date of its filing.

Executed this 1st day of July, 2020, in Tallahassee, Leon County, Florida.

FLORIDA DEPARTMENT OF BUSINESS  
AND PROFESSIONAL REGULATION



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Halsey Beshears, Secretary  
2601 Blair Stone Road  
Tallahassee, Florida 32399

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



Agency Clerk's Office

Date: July 1, 2020



# CITY OF TAMPA

— OFFICE OF THE MAYOR —

**Jane Castor, Mayor**

## EXECUTIVE ORDER 2020-34

**WHEREAS**, on March 13, 2020, **President Donald J. Trump** issued a Proclamation Declaring a National Emergency concerning COVID-19; and

**WHEREAS**, on March 1, 2020, **Governor Ron DeSantis** issued Executive Order Number 20-51 declaring a Public Health Emergency in the State of Florida due to the spread of Coronavirus Disease 2019 (“COVID-19”); and

**WHEREAS**, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52, declaring a State of Emergency for the State of Florida, extending to all sixty-seven (67) counties, including Hillsborough County and the City of Tampa, due to COVID-19, which Executive Order Number 20-52 was extended for an additional sixty (60) days on May 8, 2020, by Executive Order Number 20-114, and for another sixty (60) days on July 7, 2020, by Executive Order Number 20-166; and

**WHEREAS**, between March 17, 2020 and the date hereof, Governor Ron DeSantis issued several Executive Orders placing numerous restrictions on individuals and businesses in response to the state-wide threat of the spread of COVID-19 virus; and

**WHEREAS**, on April 29, 2020, Governor Ron DeSantis issued Executive Order Number 20-112, as modified by Executive Order Number 20-120 on May 9, 2020, and Executive Order Number 20-123 on May 14, 2020, in response to the recommendations set forth in Phase 1 of the plan issued by the Task Force to Re-Open Florida, and adopted a phased approach to remove or decrease certain restrictions imposed pursuant to the Executive Order Number 20-91, Safer-At-Home Order; and

**WHEREAS**, on June 5, 2020, Governor Ron DeSantis issued Executive Order Number 20-139, moving all Counties in Florida other than Miami-Dade, Broward and Palm Beach into Phase 2 of the phased approach to the Governor’s Plan for Florida’s Recovery; which order supersedes Executive Order Number 20-91, the Safer at Home Order; and supersedes in part, and extends and modifies other provisions of Executive Order Number 20-112; and

**WHEREAS**, on March 12, 2020, the **Hillsborough County Emergency Policy Group** issued an Executive Order declaring a local state of emergency in response to a county-wide threat from COVID-19, which Order was extended on March 19, 2020, March 26, 2020, April

2, 2020, April 9, 2020, April 16, 2020, April 23, 2020, April 30, 2020, May 7, 2020, May 14, 2020, May 21, 2020, May 28, 2020, June 4, 2020, June 11, 2020, June 18, 2020, June 25, 2020, July 2, 2020, and July 9, 2020; and

**WHEREAS**, between March 12, 2020 and the date hereof, the Hillsborough County Emergency Policy Group issued several other Executive Orders in response to a county-wide threat of the spread of COVID-19 virus; and

**WHEREAS**, between March 16, 2020 and the date hereof, the **County Administrator of Hillsborough County** issued several Administrator Orders in response to a county-wide threat of the spread of COVID-19 virus; and

**WHEREAS**, on March 12, 2020, pursuant to Section 2-402 of the City of Tampa Code, as **Mayor of the City of Tampa**, I issued City of Tampa Executive Order 2020-01 declaring that a state of local emergency has occurred in the City of Tampa in response to a city-wide threat of the spread of COVID-19, which state of local emergency was re-declared by City of Tampa Executive Order 2020-02 on March 16, 2020, and which declaration of emergency was extended by City of Tampa Executive Order 2020-03 on March 23, 2020, City of Tampa Executive Order 2020-05 on March 30, 2020, City of Tampa Executive Order 2020-06 on April 6, 2020, City of Tampa Executive Order 2020-07 on April 13, 2020, City of Tampa Executive Order 2020-08 on April 20, 2020, City of Tampa Executive Order 2020-09 on April 27, 2020, City of Tampa Executive Order 2020-10 on May 4, 2020, City of Tampa Executive Order 2020-13 on May 11, 2020, City of Tampa Executive Order 2020-14 on May 18, 2020, City of Tampa Executive Order 2020-16 on May 25, 2020, City of Tampa Executive Order 2020-19 on June 1, 2020, City of Tampa Executive Order 2020-22 on June 8, 2020, City of Tampa Executive Order 2020-24 on June 15, 2020, City of Tampa Executive Order 2020-28 on June 22, 2020, City of Tampa Executive Order 2020-31 on June 29, 2020, and City of Tampa Executive Order 2020-33 on July 6, 2020; and

**WHEREAS**, between March 12, 2020, and the date hereof, as Mayor of the City of Tampa, I issued several other City of Tampa Executive Orders in response to the city-wide threat of the spread of COVID-19; and

**WHEREAS**, in Hillsborough County (including the City of Tampa) the number of confirmed cases of COVID-19 continue to increase significantly each day, resulting in many additional deaths; and

**WHEREAS**, it is therefore necessary to extend the City's declaration of a state of local emergency currently in effect; and

**NOW, THEREFORE**, by virtue of the authority vested in me as Mayor of the City of Tampa by Article VII, Civil Emergencies, Sections 2-401, et. seq., of the City of Tampa Code, and the Charter of the City of Tampa, and the Laws of the State of Florida, and in coordination with the Hillsborough County Emergency Policy Group, I hereby issue this Executive Order declaring:

1. **Extension of Mayor's Declaration of State of Local Emergency.** The justifications set forth in previous City of Tampa Executive Orders for declaring a state of local emergency still exist, and based on the additional reasons set forth in the recital clauses above, the state of local emergency declared in Executive Order 2020-01 on March 12, 2020, as revised and readopted by Executive Order 2020-02 on March 16, 2020, and as extended by Executive Order 2020-03 on March 23, 2020, Executive Order 2020-05 on March 30, 2020, Executive Order 2020-06 on April 6, 2020, Executive Order 2020-07 on April 13, 2020, Executive Order 2020-08 on April 20, 2020, Executive Order 2020-09 on April 27, 2020, Executive Order 2020-10 on May 4, 2020, Executive Order 2020-13 on May 11, 2020, Executive Order 2020-14 on May 18, 2020, Executive Order 2020-16 on May 25, 2020, Executive Order 2020-19 on June 1, 2020, Executive Order 2020-22 on June 8, 2020, Executive Order 2020-24 on June 15, 2020, Executive Order 2020-28 on June 22, 2020, Executive Order 2020-31 on June 29, 2020, and Executive Order 2020-33 on July 6, 2020, is hereby extended within the City of Tampa for another seven (7) day period, effective as of the date hereof.
2. **Governor's Executive Orders.** The Executive Orders issued by the Governor of the State of Florida addressing the state-wide COVID-19 state of emergency, specifically, Executive Order Numbers 20-51, 20-52, 20-114, 20-166 and all subsequent Executive Orders of state-wide application based thereon, are incorporated herein by reference and made part of this Order.
3. **Hillsborough County Emergency Policy Group Executive Orders.** The Executive Orders adopted by the Hillsborough County Emergency Policy Group on March 12, 2020, declaring a local state of emergency, as amended and extended, and all subsequent Executive Orders based thereon, are incorporated herein by reference and made part of this Order.
4. **Hillsborough County Administrator Orders.** The Administrator's Orders issued by the County Administrator of Hillsborough County, as amended, and all subsequent Administrator Orders, are incorporated herein by reference and made part of this Order.
5. **Subsequent Orders.** Any Executive Order issued subsequent to the date of this Order by the Governor of the State of Florida, the Hillsborough County Emergency Policy Group, and/or or any Administrator Order issued by the Hillsborough County Administrator, shall have force and effect in the City of Tampa as provided by Chapter 252, Florida Statutes.
6. **Mayor's Continuity of Government Powers.** Pursuant to Section 2-403 of the City of Tampa Code of Ordinances, the procedures and formalities otherwise required of the City by law or ordinance are waived pertaining to the following: performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; entering into contracts; incurring obligations; employment of permanent and temporary workers; utilization of volunteer workers; rental of equipment; acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and appropriation and expenditure of public funds.

7. **Additional Specific Restrictions Authorized.** Pursuant to Section 2-404(a) of the City of Tampa Code, the following additional specific restrictions previously imposed by City of Tampa Executive Orders are in effect for the duration of this Order unless suspended or extended by subsequent Executive Order:

(a) **Price-gouging restrictions.** All State and/or local business licensees, vendors, merchants, and any other person operating a retail business in the City of Tampa, are hereby prohibited from charging more than the normal average retail price, as defined in Section 2-404(7), for any goods, materials or services sold during the duration or extension of the state of emergency.

(b) **Closed City of Tampa Parks and Recreation Facilities.** Except as otherwise provided herein, the following City of Tampa Parks and Recreation facilities, which have been previously closed, shall remain closed, and all programs, tournaments and events scheduled for those facilities are canceled:

- Youth/adult sports fields, except for practice (by reservation) for baseball and softball only;
- The following Recreation centers and Fitness and Wellness centers shall remain closed: Benito, Kid Mason, Oak, Rey, Rowlett (RAC), Temple Crest and Williams, and all other Recreation Centers shall be open with limited capacity and social distancing;
- Indoor Rental Facilities with active adult programming: Barksdale and Ragan;
- Art Studios;
- Splash Pads;
- Lowry Park Boat Ramp (For Construction)

(c) **Open City of Tampa Parks and Recreation Facilities.** Except for those parks and recreation facilities identified in Section 7(b) above, which shall remain “closed”, all other City of Tampa Parks and Recreation facilities are hereby open; provided however, all persons within said Parks and Recreation facilities shall comply with all CDC requirements and applicable social distancing requirements set forth in the Governor’s Executive Orders.

8. **Exemptions from limitations for government, public safety and health personnel.** Pursuant to Section 2-404(b) of the City of Tampa Code, during the duration of this emergency and to the extent necessary, the following individuals are exempt from the restrictions contained in Section 2-404: physicians, nurses, ambulance operators performing medical services, on-duty employees in hospitals and other medical facilities, on-duty military personnel, personnel of public utilities maintaining essential public services, city authorized or requested firemen, law enforcement officers and personnel and such other classes of persons as may be essential to the preservation of public order or necessary to serve the safety, health and welfare of the citizens of the City of Tampa.

9. **Effective Date and Duration.** This Executive Order shall take effect immediately on the date set forth below and all provisions herein shall apply during the duration of this Executive Order, and pursuant to Section 2-402, of the City of Tampa Code, this Executive Order shall terminate seven (7) days after the date set forth below unless suspended or extended by subsequent executive order by the Mayor as necessary in seven (7) day increments.
10. **Enforcement.** Pursuant to Section 252.50, Fla. Stat., a violation of this Order, and/or any Executive Order of the Governor of the State of Florida, the Hillsborough County Emergency Policy Group, or the Hillsborough County Administrator, made pursuant to the emergency powers provided by Chapter 252, Fla. Stat., is a second degree misdemeanor which carries a penalty of up to 60 days imprisonment and/or a \$500 fine.

DONE and ORDERED this 13 day of July 2020.

  
Jane Castor, Mayor

PREPARED AND APPROVED BY:

  
Gina K. Grimes, City Attorney