

Insights

A Closer Look at Phase One of Governor DeSantis' Plan to Reopen Florida

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On Wednesday, April 29, 2020, Governor Ron DeSantis held a press conference to announce the first step of his multi-step plan for reopening the State of Florida in the wake of the COVID-19 pandemic and ensuing statewide stay-at-home order.

The first step, or Phase 1, of the "Safe. Smart. Step-by-Step. Plan for Florida's Recovery" will be effective at 12:01 a.m. on Monday, May 4, 2020, pursuant to Executive Order 20-112, and includes the following key points:

- Schools will continue distance learning.
- Visits to senior living facilities remain prohibited (however, the Governor indicated that he may consider relaxing this requirement based on the ability of rapid testing prior to visitation).
- Elective surgeries prohibited by Executive Order 20-72 may resume. Hospital ambulatory surgical centers, office surgery centers, orthodontic offices, endodontic offices and other health care practitioners' offices in Florida may perform procedures prohibited by Executive Order 20-72 only if:
 - The facility has capacity to immediately convert additional surgical and intensive care beds for treatment of COVID-19 patients in a surge capacity situation.
- The facility has adequate personal protective equipment (PPE) to complete all medical procedures and respond to COVID-19 treatment needs without seeking any additional federal or state assistance regarding PPE supplies.
- The facility has not sought any additional federal, state or local government assistance regarding PPE supplies since resuming elective procedures.
- The facility has not refused to provide support to and proactively engage with skilled nursing facilities, assisted living facilities and other long-term care residential providers.

- Restaurants may offer outdoor seating with six feet of space between tables and indoor seating at 25% capacity. Restaurants must only seat parties of 10 or fewer people and keep bar counters closed to seating.
- The prohibition on vacation rentals in Executive Order 20-87 remains in effect.
- Retail can operate at 25% of indoor capacity.
- There will be no change for bars, gyms and personal services such as hair dressers in Phase 1. Thus, these businesses shall remain closed.
- Museums and libraries may open at no more than 25% of their building occupancy, provided that (a) local public museums and libraries may operate only if permitted by local government, and (b) components of museums or libraries with interactive functions or exhibits, including child play areas, must remain closed.
- Executive Order 20-69 (Local Government Public Meetings) is extended for the duration of Phase 1.
- Vulnerable individuals (senior citizens and those with underlying medical conditions) should continue avoiding close contact with people outside the home and are strongly encouraged to stay at home.
- All individuals, when in public, should maximize physical distance from others.
- Avoid socializing in groups of more than 10 people in circumstances that do not readily allow for social distancing.
- Avoid nonessential travel, including to U.S. States and cities outside of Florida with a significant presence of COVID-19.
- Continue to follow CDC guidelines regarding 14 days of isolation following international travel, cruise travel or travel to an area with a significant presence of COVID-19.
- Face masks are recommended for all those in face-to-face interactions and where you cannot social distance.
- Despite the guidelines set forth by President Trump stating that Phase 1 may include the limited reopening of gyms and movie theaters, the Governor has declined to reopen these businesses as part of Phase 1.

Additional goals and guiding principles of the “Safe. Smart. Step-by-Step. Plan” include:

- Increased number of drive up/walk up testing sites
- Increased access to testing labs, including utilization of mobile labs
- Increased contact tracing of COVID-19 patients
- Continued promotion of social distancing
- Promotion of public health and safety
- Demonstrated health care system readiness
- Ensured protection of the vulnerable
- Include economic recovery in a step-by-step process
- Ensured protection of civil liberties
- Build on public confidence
- Include a partnership with local communities

Phase 1 of the plan will exclude Miami-Dade, Palm Beach and Broward counties. This means that the stay-at-home order will remain in effect for those counties until such time that the Governor deems prudent that they should move to Phase 1 along with the rest of the state.

The Governor noted that in evaluating how to best reopen the state, his office received “input and advice from prominent positions, health care system executives, small business owners, elected officials, unemployed Floridians, and law enforcement” and that the Governor “convened the Re-Open Florida Task Force, which produced a report with recommendations.” The Governor stated that the task force report should be available for review by the public in short order.

Governor DeSantis also outlined certain data that led to the decision to lift the stay-at-home order for the majority of the state. Specifically, he compared the fatality and hospitalization rates from severely affected areas such as New York and Italy to Florida, noting that Florida’s fatality and hospitalization rates were a “mere fraction” compared to these areas.

The Governor also noted the following:

- There have only been 2,111 hospitalizations in the state due to COVID-19 as of April 24, 2020.
- Approximately 36% of Florida’s intensive care unit beds are currently available.
- Approximately 74% of the ventilators in the state are currently available and unused.
- Florida currently has more hospital beds available as of April 29, 2020 than were available on March 1, at the onset of the pandemic.

The Governor stated that in keeping with criteria set forth by President Trump’s COVID-19 task force, the state is evaluating syndromic data, including cough-associated admissions to the hospital, influenza-like illness admissions to the hospital, the number of total COVID-19 cases and whether there is a declining trend of said cases.

In addition to evaluating the trend of new COVID-19 cases, the Governor explained that the state is evaluating the “New Case Positivity Rate Trend,” or the number of those tested who test positive, noting a consistent decrease in the positivity rate of the total number of Floridians tested.

While Governor DeSantis declined to provide a specific timeline for the state to move to the next phase of the plan, he did indicate that the plan does not need to take months, and will be “based in our health metrics and guided by medical authorities.” The Governor stated that key metrics to consider as the state moves to the next steps of the plan will include:

- Maintaining the health benchmarks of the “Safe. Smart. Step-by-Step. Plan.”
- Maintaining hospital bed capacity.
- Monitoring COVID-19 test positivity rates.