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Florida reopens: DeSantis lifts state's coronavirus restrictions

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Governor Ron DeSantis announces move to Phase 3 of COVID-19 restrictions which has no limitations on restaurants.

TALLAHASSEE — Florida will no longer require bars and restaurants to operate at less than full capacity, as Gov. Ron DeSantis issued an executive order Friday removing all remaining restrictions on those businesses because of the coronavirus pandemic.

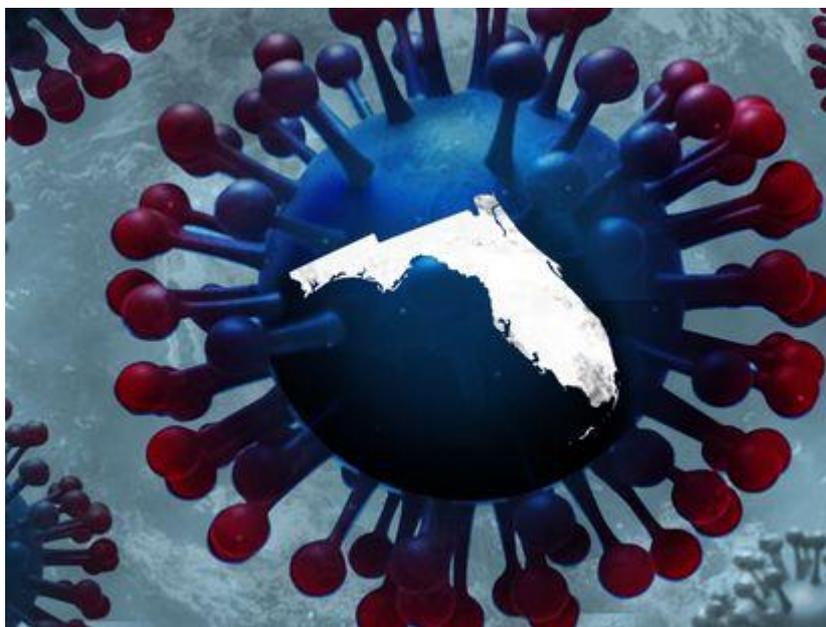
The order, which takes effect immediately, also prohibits local governments from closing businesses or collecting fines related to pandemic-related mandates, such as mask requirements — leading to at least one Central Florida county being inundated with calls asking if people no longer have to wear one. But it does allow local authorities to limit restaurant and bar capacity

to 50% if they can justify it.

“We are today moving into what we initially called phase 3,” DeSantis said during a news conference in St. Petersburg. “And what that’ll mean for the restaurants is there will not be limitations from the state of Florida. We’re also saying in the state of Florida everybody has a right to work. (Local governments) can do reasonable regulations, but they can’t just say no.”

Democratic state Sen. Linda Stewart called the move politically motivated and questioned whether the timing was right because Florida continues to have a relatively high death and positivity rates compared with the rest of the country.

“I’m not terribly convinced that we’re ready for this right now,” said Stewart of Orlando. “And if the governor wants to move forward in this fashion, we will find out in three weeks if we’re ready.”



Florida added 2,847 coronavirus cases Friday to push the statewide total to 695,887 infected. With 120 new virus fatalities reported statewide, 13,915 Florida residents are now dead.



There are four major provisions of the order:

- It removes all remaining state-level restrictions on businesses, including on bars and restaurants.

- It provides a general right to work and to operate a business. Local governments can limit and regulate businesses, but won't be able to close businesses because of coronavirus concerns.

- Local governments won't be able to prevent restaurants from operating at below 50% capacity. Under previous orders, local governments could go further than state-level restrictions, and counties in South Florida kept restaurants and bars closed after the state allowed them to reopen. But cities and counties won't be able to impose any restrictions without an economic and health-based justification for it.

- Cities and counties can't collect on any outstanding fines they issued as part of their pandemic response. The order, though, doesn't compel local governments to refund anyone who has already paid a fine.

DeSantis said the order doesn't affect sports venues and theme parks because there were no state-imposed restrictions on them currently, but each business has the ability to impose their own distancing and mask requirements.

In Seminole County, Commission Chairman Jay Zembower said officials currently do not plan to modify or cancel its executive order, which requires patrons to wear masks and practice social distancing within businesses and other public areas, until it receives written guidance from the Governor's Office.

"We really don't know anything yet, because we haven't received anything," Zembower said. "And until we do, we can't do anything."

County officials said that almost immediately after DeSantis made the announcement this morning, residents and business owners started calling their offices asking if people would still need to wear masks in public within the county. Extra workers were even called to handle the deluge of calls.

Seminole urged voluntary compliance in its order, but chronic offenders could be charged with a misdemeanor. However, no one was ever ticketed, fined or arrested for noncompliance.

DeSantis asked local governments earlier this month to detail their coronavirus-related orders and any fines and fees issued to citizens. While not all cities and counties have responded, DeSantis aides said that of those that had, the fines totaled nearly \$2 million. It's unclear how much of that has already been paid.

One Seminole business owner, Oviedo Brewing Co.'s Vishal Chunilal, had mixed feelings about the decision. He said it was great to start getting back to pre-coronavirus numbers, but safety is more important.

"I look at my staff first and myself and my family," Chunilal said.

He added he is waiting for the local government's response before starting his plan.

Chunilal expects his brewery, which also offers food, will expand the number of people allowed inside in stages and won't go directly to 100% capacity.

"We'll have a plan of action to get to 100%, but it won't be immediate," Chunilal said.

Up the road, Hollerbach's Willow Tree Café in downtown Sanford plans to ease up to its full 665 seats, with owner Christina Hollerbach hoping to reach 100% capacity around

March. It is operating with about 280 to 300 seats right now.

The German restaurant, which is now running with about 90 employees, needs to hire 15 to 30 people in the next six months, Hollerbach said.

Hollerbach's was wrapping up an expansion with hundreds of new seats and a rooftop beer garden around when the pandemic started. The restaurant laid off more than 50 people in March while keeping nearly 50 others on the payroll, before eventually returning its staff to 90 employees.

Hollerbach added she does not expect masks, sanitizing or social distancing to go away immediately.

"I'm glad the governor is trusting restaurant owners to be responsible so that we can restore a good economy and bring jobs back," Hollerbach said.

DeSantis aides said the order was based partly on the reduction in hospitalizations, new cases and deaths from COVID-19 since the state was hit with a surge of the virus in the summer.

There were 2,815 new cases reported Friday, along with 162 deaths, bringing the totals for Florida since the pandemic began in March to 695,887 cases and 13,915 deaths. There were 2,169 people hospitalized with the coronavirus in the state as of Thursday, down from a peak of more than 9,000 in late July.

But the average daily case count this week has also increased 5% from two weeks ago, [the New York Times reported](#). Florida also has a positivity rate of 4.29% compared to New York's 1%, though several states in the Midwest were seeing rates in the double digits.

DeSantis also said that while the pandemic isn't over, society must continue to function even as citizens take measures to

prevent its spread.

“The fact that you continue to move forward with the economy, it doesn’t mean that the virus disappears,” DeSantis said. But imposing lockdowns “where society flounders people are out of work, kids aren’t in school - that is not going to work. And that’s not the way forward for us.”

But critics of the move said the prevalence of the virus was still too high for DeSantis to remove all restrictions.

“Some of the top economists across the country have told Governor DeSantis in [no uncertain terms](#) that the economy will not recover until he gets the virus under control,” said Sydney Riess, public health fellow with Florida chapter of the Public Interest Research Group, a national consumer interest and advocacy group. “Yet, the governor is preventing potentially life-saving restrictions while COVID-19 cases are still well above the levels that health professionals deem safe for reopening.”

Stewart also said she was "not that convinced that the statistics [on coronavirus] are being reported in an accurate fashion. I hope they are. ... I just don't I don't really think we need to be playing politics with public health.”

She added she wasn’t surprised about the mask penalty waiver, saying DeSantis “never was in favor of mandatory masks. ... But I think on their own, [people are] going just put the mask on whether or not the governor thinks they should or shouldn’t do it.”

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Although the restrictions have been removed, DeSantis' state of emergency related to the pandemic remains in effect through Nov. 3. His aides said the declaration is still important to give agencies the flexibility to order and distribute personal protection equipment to hospitals, run state testing sites and coordinate with federal agencies on response.

State government agencies under DeSantis' control also aren't affected by the order. Some departments still have employees work from home and maintain social distancing guidelines when in the office, but DeSantis aides said those restrictions could be removed in the near future.

The state Capitol also remains closed to the public.

Staff writers Martin Comas and Tiffini Thiesen contributed to this report.



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