



**EMERGENCY ORDER NUMBER 19
PALM BEACH COUNTY COVID-19
VACATION AND SHORT-TERM RENTALS**

WHEREAS, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare, and safety of the people of Palm Beach County; and

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

WHEREAS, on March 13, 2020, pursuant to Section 252.38(3)(a)(5), Florida Statutes, Palm Beach County declared a local State of Emergency due to the Coronavirus pandemic, which has since been extended in accordance with applicable law; and

WHEREAS, on March 24, 2020, Governor Ron DeSantis also issued Executive Order 20-83 directing the State Surgeon General and the State Health Officer to issue a public health advisory for senior persons and persons that have a serious underlying medical condition that places them at a high risk of severe illness from COVID-19 to stay at home. Such conditions include, but are not limited to, chronic lung disease or moderate to severe asthma, serious heart conditions, immunocompromised status, including those in cancer treatment, and severe obesity; and

WHEREAS, on March 27, 2020, Governor Ron DeSantis issued Executive Order 20-87 suspending rental operations for vacation properties defined in Section 509.242(1)(c), Florida Statutes and other rentals defined in Section 1 of the order; and

WHEREAS, Governor Ron DeSantis issued a number of subsequent Executive Orders in response to the COVID-19 pandemic, including Executive Order 20-112, a Phase 1: Safe Smart Step-by-Step Plan for Florida's Recovery, under which the Governor re-opened certain businesses, and Executive Order 20-120 which, among other things, served to include Palm Beach County under Phase 1, and Executive Order 20-123, in which the Governor extended and brought all Florida counties into Full Phase 1; and

WHEREAS, Palm Beach County remains in Phase 1 in accordance with Executive Order 20-123 and Executive Order 20-139 issued by Governor DeSantis on June 3, 2020. The Phase 1 restrictions allow indoor seating in restaurants at 50% capacity with appropriate partitioning in place between parties. Outdoor seating and take-out service is permitted; however, bar counters

remain closed to seating, and eating at bars within restaurants is not allowed. Bars and nightclubs remain closed in Palm Beach County; and

WHEREAS, Executive Order 20-123, issued on May 14, 2020, also provided that counties may seek approval to operate vacation rentals with a written request from the County Administrator and the county's safety plan for vacation rental operations submitted to the Secretary of the Department of Business & Professional Regulation (DBPR); and

WHEREAS, Palm Beach County convened a vacation rental working group consisting of industry and municipal representatives who met three (3) times and endorsed a county safety plan for vacation and short-term rentals, and

WHEREAS, the county's plan for opening vacation and short-term rentals was submitted to DBPR on June 5, 2020, and approved by DBPR on June 8, 2020; and

WHEREAS, due to an increase in the prevalence of COVID-19 in the community and concerns regarding increased spread of the virus, the County Administrator determined it was appropriate and necessary to delay the opening of vacation and short-term rentals at that time and withheld the issuance of an order that would have authorized the opening; and

WHEREAS, Palm Beach County experienced a sharp increase in the number of positive cases of COVID-19 in late May, June and July, including greater numbers of cases in the teen and young adult age categories. Over 33,000 positive cases had been reported by the end of July. Hospital bed utilization, including ICU bed use, also increased during the same time period due to COVID-19; and

WHEREAS, on July 14, 2020, in consideration of the foregoing, the Palm Beach County Board of Commissioners directed the County Administrator to rescind the County's request to Governor Ron DeSantis for Palm Beach County to enter Phase 2: Safe Smart Step-by-Step Plan for Florida's Recovery; and

WHEREAS, in order to respond to these sharp increases in positive COVID-19 cases and to increase public awareness of the safety and sanitation measures required to protect public health, the County Administrator has mandated the wearing of facial coverings in all businesses, establishments, and in public spaces and requiring retail establishments and restaurants to post signage containing information regarding sanitization, social distancing, and facial covering requirements. The County Administrator has also restricted the operating hours of restaurants and other establishments where individuals may gather; and

WHEREAS, Emergency Order 2020-014 issued on July 14 2020, restricted the operating hours of restaurants and food service establishments and various other types of businesses; and

WHEREAS, Emergency Order 2020-015, issued on July 23, 2020, repealed and replaced Emergency Order 2020-014. The replacement order clarified the limitation on restaurant hours to prohibit on-premises consumption during the restricted business hours, clarified that Palm Beach

County remains in Phase 1, and clarified the Palm Beach County businesses that remain closed under Phase 1; and

WHEREAS, Emergency Order 2020-016, also issued on July 23, 2020, extended the mandatory facial covering order by an additional thirty (30) days; and

WHEREAS, Emergency Order 2020-017, issued on August 7, 2020, adopted all Executive Orders of the State of Florida related to COVID-19 applicable to Palm Beach County, and codified enforcement procedures applicable to violations of county and state executive orders; and

WHEREAS, Emergency Order 2020-018, issued on August 11, 2020, clarified that establishments performing licensed massage therapy and establishments performing licensed acupuncture services are allowed to operate as to those services in Palm Beach County; and

WHEREAS, the County Administrator has now determined that, given the above-mentioned interventions, the necessary plans are in place for the safe operation of vacation and short-term rentals and it is appropriate to permit their operation in Palm Beach County.

NOW, THEREFORE, IT IS HEREBY ORDERED pursuant to Palm Beach County Code Chapter 9, Article II, Section 9-35, as well as the authorities granted to me by Declaration of Emergency issued by Governor DeSantis in Executive Order 20-52, by Chapter 252, Florida Statutes, by the Board of County Commissioners, by the Palm Beach County Comprehensive Emergency Management Plan, and as otherwise provided by law, I hereby order as follows:

1. **Recitals.** The foregoing recitals are hereby incorporated herein by reference.
2. **Applicability and Intent.** This Order applies in all incorporated and unincorporated areas of Palm Beach County. This Order is intended to allow the operation of vacation and short-term rentals in accordance with a State-approved safety plan. This Order is not intended to, nor shall it be construed to, authorize any other businesses that are currently prohibited from operating to open. This Order also is not intended to, nor shall it be construed to, authorize any business that is operating in violation of applicable laws to continue such illegal operations, including, but not limited to, any operations in violation of any county or municipal zoning laws or emergency orders.
3. **Opening Permitted.** All vacation and short-term rentals listed below, previously suspended by the Governor's Executive Order 20-087, may re-open provided that the rentals are conducted in compliance with the provisions of *Palm Beach County's Safety Plan for Opening Vacation and Short-term Rentals*, as may be amended, incorporated herein and attached as Attachment 1.
 - a. Vacation rental as defined in Section 509.242(1)(c), Florida Statutes;
 - b. Any house, condominium, cooperative, or dwelling unit that is also a transient public lodging establishment, as defined under Section 509.013(4), Florida

Statutes, which is rented for periods of less than 30 days or 1 calendar month or whichever is less, or which is advertised or held out as a place regularly rented to guests, or which is otherwise regulated by DBPR as a vacation rental pursuant to Section 509.242, Florida Statutes.

4. **Enforcement.** The Sheriff of Palm Beach County, other law enforcement agencies including municipal law enforcement agencies, and any other personnel authorized by law, including, but not limited to, the personnel described in Section 9-37 of the Palm Beach County Code of Ordinances, are authorized to enforce this Order in accordance with the provisions of Emergency Order 2020-017, and any subsequent amendments thereto.
5. **Conflicts.** Any provision(s) within this Order that conflict(s) with any state or federal law or constitutional provision, or conflict(s) with, or are superseded by, a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign or Indian tribe, such application is expressly excluded from this Order. The provisions of this Order shall supersede the specific provisions of any previously issued County Emergency Order that is contrary to or in conflict with this Order.
6. **Effective Date.** This Order shall be effective as of 12:01 a.m. on August 22, 2020. This Order shall expire upon the expiration of the existing State of Local Emergency, as same may be extended by subsequent order or declaration, unless earlier terminated by subsequent order or Board of County Commissioners action.

PALM BEACH COUNTY

By: *Verdenia C. Baker*
County Administrator

8/21/2020
Date

APPROVED AS TO
LEGAL SUFFICIENCY

By: *Denise Marie Nieman*
County Attorney

ATTEST

CLERK & COMPTROLLER

By: *Shawn R. Beck*

Attachment 1



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**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor

Hal R. Valeche
Gregg K. Weiss
Mary Lou Berger
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

Official Electronic Letterhead

June 5, 2020

Secretary Halsey Beshears
Dept. of Business and Professional Regulation
2601 Blairstone Road
Tallahassee, FL 32399-1027

Dear Secretary Beshears,

As Palm Beach County looks forward to the safe and responsible opening of businesses closed to prevent the spread of COVID-19, we recognize the importance of tourism and the hospitality industry to our community. We recognize the need to bring these businesses, particularly small businesses, back into our economy.

Opening hotels and commercial lodging establishments was a crucial part of that recovery, and we hope to continue on that path with the approval of re-opening vacation and short-term rentals to Florida residents and out of state vacationers.

Palm Beach County's Plan for Opening Vacation and Short-Term Rentals was derived from published documentation detailing best practices as provided by the CDC, the Vacation Rental Management Association (VRMA) and the Vacation Rental Housekeeping Professionals. Further input was received from Vacation Rental Management companies operating in counties throughout the state, as well as local operators, municipalities and public health professionals. Palm Beach County put together a Vacation Rental Working Group which included some of the above mentioned stakeholders, members of the Palm Beach County Realtors Association and the Executive Director of the VRMA. The group met three times to review this safety plan and recommended its approval.

These County guidelines seek to establish industry-wide best practices to ensure, first and foremost, guest safety.

Thank you for consideration of Palm Beach County's plan for re-opening vacation and short-term rentals, and we look forward to approval of this request. I am available to answer any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Verdenia C. Baker".

Verdenia C. Baker
County Administrator



PALM BEACH COUNTY'S SAFETY PLAN FOR OPENING VACATION AND SHORT-TERM RENTALS

Palm Beach County's Plan for Opening Vacation and Short-Term Rentals was derived from published documentation detailing best practices as purported by the Vacation Rental Management Association and the Vacation Rental Housekeeping Professionals, with input from Vacation Rental Management companies operating in counties throughout the state. This plan has been reviewed by the State Department of Business and Professional Regulation and is in compliance with their guidelines. These County guidelines (when implemented in addition to standards set by the CDC) seek to establish an industry wide best practice to ensure guest safety. The County recognizes the importance of keeping residents and visitors safe, and as such, we would expect the following conditions to be required to reopen short-term rentals.

Vacation and Short-Term Rental Reservations

Vacation and short-term rental (herein referred to as "vacation rentals") reservations shall adhere to the following policies:

- Reservations from COVID -19 hot spots identified by the Governor shall be avoided for the next 30 days beginning June 15, 2020; thereafter, reservations from areas identified by Governor DeSantis as high risk, through Executive Orders, must be for periods longer than the quarantine period established in that Order. Guests occupying those vacation rentals must adhere to the quarantine restrictions.
- Reservations from international travelers shall not be accepted.
- To ensure optimal health, safety and cleaning standards, units shall not be rented for at least 24 hours after a previous guest has vacated the rental unit.

Health and Safety of Guests

- Remote check-ins and check-outs should be made available when possible to reduce face-to-face interactions.
- Guests shall be provided a copy of this plan by mail, email, or hard copy before arrival and this plan shall be posted to each individual vacation rental website if allowed by the website host.
- CDC resources must be provided to any guest while staying on property. These resources are available in multiple languages at the CDC website.
- CDC guidance must be provided to guests traveling with pets and service/assistance animals if the property is pet friendly.
- All properties must provide local COVID -19 guidance for guests. (A link on Palm Beach County's webpage, www.pbcgov.org, is provided to access this information.)
- Signage shall be prominently displayed in all units detailing cleaning and sanitization procedures as well as health quarantine information for individuals who become COVID-19 positive.
- Employees and contractors working in short-term rentals shall be provided CDC related safety guidance to alleviate the transmission of the virus and provide further protection for employees and guests.

Property Cleanliness

All Department of Business and Professional Regulation (DBPR) sanitization guidelines must be followed:

61C-3.001 Sanitation and Safety Requirements of the transient lodging statutes.

Guest Responsibilities

- Vacation rentals shall not be used to accommodate groups of individuals larger than 10 people, including minors. Vacation rental owners and managers may restrict this further.
- Vacation rentals should only be booked by individual renters, if a group plans to stay at a vacation rental they should be members of the same family.
- For vehicles at vacation rentals, the vehicle owner shall place in the windshield the attached parking pass indicating the vehicle belongs to the renter of the vacation rental property, the address of the property and the phone number of property manager to ensure safety of neighbors who may pass by parked vehicles.
- Guests of residential homes should wear facial coverings when not able to maintain social distancing in residential neighborhoods and in areas recommended in Palm Beach County Emergency Order 8 which can be found at www.pbcgov.org.
- Guests must notify the host if anyone in the household becomes ill.
- Guests should notify the host if they have been tested or exposed to COVID-19 in the past 14 days.

Staffing Standards and Guidelines

Vacation Rental Management Companies and short-term rental hosts shall at all times adhere to the following guidelines where applicable:

1. Social Distancing

- a. Advise staff to maintain a safe distance (at least 6 feet) and not to gather in groups of larger than 10 people.
- b. Stagger arrival times for staff to prevent congregating.
- c. Limit access to break areas and look for areas where staff can spread out for breaks. Allow staff to eat their meals in their assigned areas, where possible.

2. Masks, gloves and other personal protection equipment

- a. Masks and gloves should be worn by all employees who interact with the public, unless a physical barrier such as a Plexiglas barrier separates the staff member from the guest is present. Appropriate cleaning supplies shall be provided to clean their work areas and stations.

3. Wellness Checks

- a. All staff members should receive a wellness check upon arrival to work. The wellness checks, at a minimum, will consist of a temperature check.
- b. Staff members who have a temperature of 100.4 degrees or higher will not be permitted to work.

4. Hygiene

- a. Wash/sanitize your hands frequently especially after touching frequently used items or surfaces.
- b. Employees should avoid touching their face.
- c. Sneeze or cough into a tissue or inside your elbow.
- d. Disinfect employee work area frequently throughout a shift and before/after a shift if it is a shared space.
- e. Individual hand sanitizers shall be provided to employees for their assigned work area and for staff members who move through the property and/or community.

5. Mandatory Training/Staff Education

- a. All staff members shall be educated on and adhere to the minimum standards established by this plan.

COVID-19 Disinfection and Sanitization

- Surfaces should be cleaned and then disinfected.
- Cleaning personnel and vacation rental staff should dispose of gloves and use hand sanitizer before entering their vehicle.
- Cleaning personnel and vacation rental staff should follow CDC handwashing guidelines throughout the day.
- All cleaning personnel and vacation rental staff should wear appropriate PPE per CDC guidelines including splash goggles that protect their eyes from air and/or liquid.

Products, Cleaning Agents, and Equipment

- Cleaning personnel and vacation rental staff should use cleaning products in line with the EPA's list of products with "Emerging Viral Pathogens AND Human Coronavirus claims for use against SARS-CoV-2."
- Disinfecting procedures should allow for required dwell time to kill the viruses and microbes.
- Disinfectant products should be used on all major and frequently touched surfaces.

Cleaning and Inspections

- Extra time must be allowed for enhanced cleaning procedures to take place.

Common Areas - Lobbies, Pool Decks, Elevators, and Other Similar Areas

- Lobby areas should be monitored and appropriate signage displayed, to ensure social distancing protocols are adhered to.
- Lobby areas should be monitored and disinfected throughout the day.
- Hand Sanitizer should be provided in all common areas, including lobbies, pool decks and elevators.
- Common use elevators should be disinfected throughout the day.
- Pool furniture should be spaced to encourage social distancing (6ft apart)
- Pool furniture should be disinfected between each use or stay if pool is limited to an individual listing unit.

Soft Surfaces and Upholstery

- A pressurized pump sprayer should be used to distribute a sanitizing product across all soft surfaces.
- Dirty linens and bedding should be handled and sanitized in such a way as to safeguard cleaning staff and prevent the spread of viruses and germs. (See VRMA/VRHP recommendations.)
- If an owner is unable to provide on-site linen and bedding cleaning following these guidelines, linens and bedding should be professionally laundered for proper cleaning.
- Cleaning personnel and vacation rental staff should remove gloves, use hand sanitizer and put on fresh gloves after handling dirty linens.
- Blankets/comforters should be removed for laundering and replaced with a freshly washed item, or covered with a freshly washed duvet cover as an alternative.

Trash Removal

- For both inside and outside trash gathering, gloves and masks should be worn at all times.
- Disinfectant should be used on the trash barrel, and a fresh liner or bag should be used inside the barrel or bin.

Maintenance

- All guests should vacate property before maintenance staff enters.
- Technicians should wear gloves and masks at all times, and dispose of those properly after exiting. Staff entering a property less than 18 hours after guests have vacated should wear splash goggles.

Owner and Guest Policies

- Extra throw blankets, decorative pillows or other soft objects should be put away until further notice.

Enforcement and Penalties

1. Vacation rental property owners and managers shall provide a bimonthly report to the Palm Beach County Tourist Development Office (first report due June 24, 2020; thereafter due on the 1st and 3rd Friday of the month) which includes name of owner or manager, address of rental property, all reservations (Arrival & Departure dates) and home zip codes of renters. All reports should be forwarded to Joan Hutchinson at jhutchinson@palmbeachfl.com. A sample report is available at www.pbcgov.org.
2. All vacation rental property owners are strongly encouraged to provide a copy of their personal contact information including phone numbers and emails to the property owners immediately bordering and directly across the street or hall corridor from their property. This could ensure that if there are any issues at the rental property, those neighbors have immediate access to the property owner to discuss mitigating any problems that may arise during the course of a rental.
3. If there is a violation of any component of this plan, the violation should be reported to the local governing jurisdiction's code enforcement office. A local governing jurisdiction (municipality or county) may issue a Written Warning, a Civil Citation or Notice of Violation, which may carry a fine of up to \$250 per day, or refer to local law enforcement to determine if additional action is required.

This plan may be updated and/or amended every two (2) weeks, as necessary.