



## Legislation Text

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**File #:** 21-0064, **Version:** 1

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**Agenda Item Name:**

COVID 19 Discussion

**Presenter:**

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**Description:**

Follow up on Board Motion regarding the review of a potential action by the Board to reduce restaurant allowed capacity to slow the spread of COVID

**Recommended Action:**

Review the information presented and provide staff with further guidance

**Prior Board Motions:**

On January 12, 2021, Commissioner Prizzia moved to direct a legal review of health research provide by Paul Myers and peer reviewed literature and economic impact analysis from Dr. Allen Hodges for potential capacity reductions to bars and restaurants within the County so that if the Commission needs to make such a decision the information readily available. The motion carried 4-1 with Commissioner Wheeler voting "Nay."

**Fiscal Consideration:**

If the Board wants to implement a capacity limitation on establishments which have food service licenses, the Board will need to hire court-testifying experts to provide expert testimony in support the needed findings (see Background).

**Background:**

The Governor's Executive Order 20-244 provides the following limitation on local governments reducing restaurant capacity:

Restaurants, including any establishment with a food service license, may not be limited by a COVID-19 emergency order by any local government to less than fifty percent (50%) of their indoor capacity. If a restaurant is limited to less than one hundred percent (100%) of its indoor capacity, such COVID-19 emergency order must on its face satisfy the following:

1. quantify the economic impact of each limitation or requirement on those restaurants; and
2. explain why each limitation or requirement is necessary for public health.

In short, the Board must be aware of the economic impact upon the restaurants that the reduction in

capacity will have and must be able to make findings as to why the reduction in capacity is necessary for public health.

Each of these elements would require factual determinations by the Board. These would be facilitated by experts who could present opinions on the issues the Board must consider and the findings the Board must make. Should any litigation over the order come about, these experts could testify as to the basis for the order.

Alan Hodges, Ph.D., Extension Scientist, has prepared a preliminary economic impact analysis of a capacity limitation on restaurants, attached. See information re. Dr. Hodges:

[Hodges - University of Florida, Institute of Food and Agricultural Sciences \(ufl.edu\)](https://fred.ifas.ufl.edu/faculty/hodges/)

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