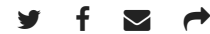


FLORIDA POLITICS

DeSantis declares COVID 'state of emergency' over, overrides local restrictions

BY MARY ELLEN KLAS HERALD/TIMES TALLAHASSEE BUREAU
MAY 03, 2021 11:25 AM, UPDATED 3 HOURS 7 MINUTES AGO



Florida Gov. Ron DeSantis said he would suspend immediately any local orders related to COVID-19.
BY WTVT VIA THE FLORIDA CHANNEL



Listen to this article now

10:38

Powered by [Trinity Audio](#)

Declaring Florida's COVID-19 emergency over, Gov. Ron DeSantis on Monday signed an executive order invalidating all remaining local emergency COVID orders and signed a bill into law that bars businesses, schools and government entities across Florida from asking anyone to provide proof of a COVID-19 vaccination.

"I think it's the evidence-based thing to do," DeSantis said at a St. Petersburg restaurant where he signed the bill with House Speaker Chris Sprowls and Senate President Wilton Simpson at his side. "I think folks that are saying that they need to be policing people at this point, if you're saying that, you really are saying you don't believe in the vaccines, you don't believe in the data, you don't believe in the science. ... We are no longer in the state of emergency."

The provision regulating so-called "vaccine passports" is tucked into [SB 2006](#), a bill

intended to update the state's emergency powers in the face of a future public health emergency. The new law is effective July 1, but DeSantis also on Monday said he would sign an executive order invalidating all remaining local emergency COVID orders that are still in place after July 1 and suspend immediately any orders related to COVID-19 now.

TOP ARTICLES

The measure would make it more difficult for local governments to respond to public emergencies by requiring any future emergency orders to be narrowly tailored and extended only in seven-day increments for a total of 42 days and gives the governor the authority to invalidate an emergency order. Currently, such orders can be extended indefinitely.

Under the new law, businesses, schools and governments may not require proof of vaccinations, and if they do, they can be fined up to \$5,000 per incident. They may, however, institute screening protocols if it is "consistent with authoritative or controlling government-issued guidance to protect public health."

Licensed healthcare providers are the only entities exempted from the vaccine documentation provision.

Private companies can continue to require people to wear masks, but governments cannot mandate it, under the law.

On Sunday, Florida [registered 3,841 new COVID-19 cases](#), 31 deaths and 6.3 million fully vaccinated people, about [30% of the population](#). Florida ranks 38th in vaccine rates in the nation.

The governor defended his decision to suspend local emergency orders relating to masks and social distancing.

"If we have widespread vaccinations that are over 99% effective, what's the evidence basis for somebody to wear a mask now?" he asked.

Also Monday, the governor ordered that the state Capitol, which had been closed to the public since March of last year even as he ordered the rest of the state to be open for business, will reopen to the public on Friday.

Local government officials immediately criticized the governor's decision.

PUSH BACK FROM THE MAYORS

In Miami-Dade County, Mayor Daniella Levine Cava said a lifting of local COVID rules would ignore the dangers that remain to public safety.

“We are still in an emergency,” Levine Cava, a Democrat in a nonpartisan office, said after a press conference on youth sports. “We have fewer than half of our people vaccinated. We have new variants threatening us.”

Miami Beach Mayor Dan Gelber said he expects the order to suspend the city’s ability to shut down businesses when customers or employees don’t wear masks — just as popular Beach night spots like LIV and Mango’s Tropical Cafe have begun welcoming back crowds.

The city’s mask mandate, which borrows from a Miami-Dade County emergency order, empowers Code Compliance officers to close a business for 24 hours if the officer observes customers or staff not wearing masks at the business.

“The governor seems to be doing everything he can to convince people not to wear masks,” Gelber said Monday.

READ NEXT

LATEST-NEWS

DeSantis’ executive order.pdf

MAY 03, 2021 4:51 PM

Broward County still has a [detailed order](#) in place that requires facial coverings to be worn in indoor public places and establishes social distancing rules for businesses, and County Mayor Steve Geller said Monday he was “extremely unhappy” with the governor’s decision.

“But we will follow the orders of the governor because he is the governor,” Geller told the Miami Herald. “The governor’s order essentially is stating that the COVID crisis is over in the state of Florida. Under no objective set of criteria are we safe yet.”

Levine Cava has already lifted most of the COVID rules imposed by her predecessor, Carlos Gimenez, in 2020. Early last month, she consolidated the Gimenez rules into [one emergency order](#) that mostly mandates masks in many interior spaces and outdoors if people are within 10 feet of each other. Restaurants still face restrictions on capacity and requirements to keep tables spaced apart.

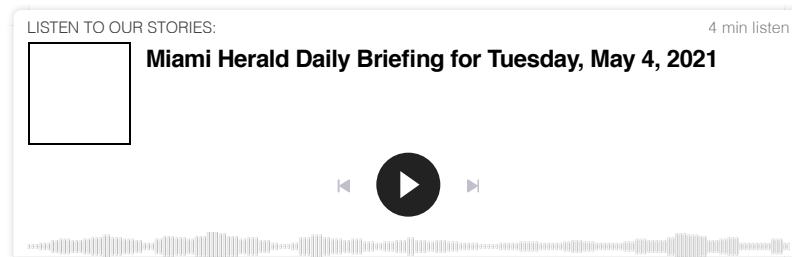
Reports from the county clerk’s office show local police and code enforcers in Miami-Dade largely stopped issuing citations for COVID violations after DeSantis halted the collection of fines against individuals last fall. The report from the last weekend showed zero citations issued to individuals or businesses.

“Our hands have been tied in so many ways,” Levine Cava said.

Appearing before the Miami Herald Editorial Board after the press conference, Levine Cava said the county would continue promoting the importance of wearing masks and said she hoped DeSantis would send state help to speed vaccinations if he forces the county to stop mandating safety rules.

“We’re not keeping up with the national success rate,” she said. “We really must have an all-hands-on-deck” approach.

Listen to today's top stories from the Miami Herald:



Subscribe: [Apple Podcasts](#) | [Spotify](#) | [Amazon Alexa](#) | [Google Assistant](#) | [More options](#)

WHAT IT MEANS LOCALLY

In Miami Beach, other emergency measures that may be impacted by the governor's order include the closure of Ocean Drive to vehicles, a citywide restriction on retail alcohol sales past 10 p.m. and the closure of Monument Island.

Gelber, who has butted heads with DeSantis over his curtailing of local emergency powers, said mask usage is still needed because there continue to be COVID hospitalizations and deaths in Miami-Dade County.

"It feels a little bit like the governor is spiking the ball at the 10-yard line," he said. "Obviously the virus is still with us. And local governments ought to be able to require indoor mask usage when appropriate."

Broward officials said last month that they didn't plan to loosen their rules until at least 50% of adults in the county had received at least one vaccine shot — that figure is currently around 43%, a milestone the county says it achieved Monday for residents over 16 years old — and until either the five-day rolling average test positivity rate dips below 5% for a week or the rate of new daily cases drops below 15 per 100,000 people.

The county's positivity rate has remained slightly above 5% with about 29 cases per day per 100,000 people.

The new law comes just days after the CDC told the cruise ship industry it can speed up the timeline for cruises to restart — but [only if ships can show most passengers and crew are vaccinated against COVID-19](#).

"The legislation creates a default legal presumption that during any emergency our businesses should be free from government mandates to close, and our schools should remain open for in-person instruction for our children," DeSantis said, commending his decision to open the state despite warnings from federal healthcare officials. "We wanted people to be happy living in Florida. It was the road less traveled at the time."

Critics said the ban on vaccine documentation was written to appeal to vaccine opponents and would hamper efforts by the cruise industry and others that have struggled to bring tourists back to Florida.

DeSantis on April 2 issued an executive order blocking COVID-19 passports, which he said would create "huge" privacy issues that could result in people handing over medical information to a "big corporation." The law now makes the executive order permanent.

The governor appeared on Fox News' Laura Ingraham show on Thursday, shortly after legislators passed the measure and proclaimed that he was "the first, I think, elected official in the country, certainly state governor, to say we're not having

vaccine passports.”

“You have a right to participate in society without them asking you to divulge this type of health information like just to go to a movie, just to go to a ball game,” DeSantis told the Fox News audience. “Our Legislature has passed what I asked for, and I’ll be signing that very soon.”

Ingraham asked what will happen if airports or airlines start requiring vaccine certificates.

“Well, they’re not going to be able to do it in the state of Florida,” DeSantis responded, as the crowd at the outdoor town hall in Orlando cheered.

Florida already requires other types of vaccines for students to attend public schools, but the restriction for COVID-19 vaccines applies to schools as well as private businesses.

Simpson, a Trilby Republican, said he supported the governor’s action in the face of the continuing pandemic.

“Make no mistake about it, families are still dealing with COVID where you have family members still dying of COVID, but you have to ultimately weigh the balance of people’s lives and their mental health and, and the amount of suicides and all of the things that go wrong by locking our citizens down,” Simpson said.

TRYING TO STRIKE A BALANCE

Rep. Tom Leek, R-Ormond Beach, who led the Pandemics & Public Emergencies Committee that drafted the bill, said the goal of the measure was to strike “a delicate balance between protecting people and protecting people’s civil liberties.”

“What this legislation does is it makes sure that the state of Florida is planning and preparing for the next public health emergency,” he said at the bill signing. “It funds the emergency response. It protects individual liberties. It limits government actors, and it provides transparency and accountability for those who would take your liberties.”

Leek defended the restriction on vaccine authorizations during the House debate, saying that the COVID-19 vaccines “don’t have the same proven history of the same vaccines we require our school children to get. We must recognize that vaccine hesitancy is real and understandable.”

He said that while he urges everyone to “please get vaccinated,” there remains resistance among the minority community, and the bill tells businesses “they may not enact policies that unfairly and disparately discriminate against our minority populations.”

But legislators critical of the measure noted that lawmakers did nothing this session to close the vaccine hesitancy gap, encourage people to get vaccinated, or educate people about vaccines.

The global pandemic exposed how unprepared Florida was for a public health emergency. Although appropriations are the constitutional prerogative of the Legislature, the governor controlled most of the emergency funding during the pandemic with no legislative authority or oversight.

The bill attempts to address that by imposing additional oversight while also giving the governor additional authority and also allowing him to override local orders if they are determined to “unnecessarily restrict individual rights or liberties.”

LEGAL QUESTIONS

But opponents warned the provision also opens the door to potential legal challenges because it delegates to the governor power that should reside in the Legislature.

Opponents also warned the bill could lead to First Amendment challenges because it strips private businesses and educational institutions of their ability to control their right to associate with unvaccinated people, which under law are not a protected class.

“I don’t know many people who are going to get on a cruise if they don’t have the security of knowing that the other people on that cruise with them, and in that close environment with them, have also been vaccinated,” warned Rep. Omari Hardy, a West Palm Beach Democrat, during House debate last week.

Among other aspects of the bill, state agencies would be required to develop by the end of 2022 public health emergency plans and the Division of Emergency Management would have to stockpile personal protective equipment.

Mary Ellen Klas reported from Tallahassee. Miami Herald staff writers Douglas Hanks, Aaron Leibowitz and Martin Vassolo contributed to this report from South Florida.

Mary Ellen Klas can be reached at meklas@miamiherald.com and @MaryEllenKlas

RELATED STORIES FROM MIAMI HERALD

LATEST-NEWS

DeSantis’ second executive order.pdf

MAY 03, 2021 5:08 PM



Surrounded by lawmakers, Florida Gov. Ron DeSantis speaks at the end of a legislative session, Friday, April 30, 2021, at the Capitol in Tallahassee, Fla. WILFREDO LEE AP



MARY ELLEN KLAS



Mary Ellen Klas is the state Capitol bureau chief for the Miami Herald, where she covers government and politics and focuses on investigative and accountability reporting. In 2018-19, Mary Ellen was a Nieman Fellow at Harvard University and was named the 2019 Murrey Marder Nieman Fellow in Watchdog Journalism. In 2018, she won the Sunshine Award from the Society of Professional Journalists. The Herald's statehouse bureau is a joint operation with the Tampa Bay Times' statehouse staff. Please support her work with a digital subscription. You can reach her at meklas@miamiherald.com and on Twitter @MaryEllenKlas.

COMMENTS

READ NEXT



FLORIDA POLITICS

Former Gov. Charlie Crist launches a campaign to be Florida governor again

BY STEVE CONTORNO *TAMPA BAY TIMES*

MAY 04, 2021 10:01 AM, UPDATED 1 HOUR 40 MINUTES AGO



U.S. Rep. Charlie Crist officially launched his campaign for Florida governor on Tuesday, the first major candidate to jump into the Democratic primary with hopes of taking on Gov. Ron DeSantis in 2022.

Ahead of a 10:30 a.m. announcement in St. Petersburg, Crist confirmed on Twitter that he was running, ending months of speculation about his political future. In a video message, Crist outlines his past experience and assailed DeSantis' handling of the pandemic.

KEEP READING →

TRENDING STORIES

From Haiti to Nordstrom: Designer's handmade hair accessories hit luxury shopping racks

UPDATED MAY 03, 2021 07:08 AM

DeSantis declares COVID 'state of emergency' over, overrides local restrictions

UPDATED 3 HOURS 7 MINUTES AGO

More and more in Florida, DeSantis governs from an autocrat's playbook | Opinion

UPDATED 2 HOURS 56 MINUTES AGO

Draft notebook: Are Dolphins better, who's the starting RB, and what about Jakeem?

UPDATED MAY 03, 2021 11:28 AM

Why Brian Flores is optimistic about running game. And a look at 22 available backs

UPDATED MAY 03, 2021 05:06 PM



FLORIDA POLITICS

🔒 Miami's mayor is entertaining 2024 rumors, but can he survive in partisan politics?



FLORIDA POLITICS

🔒 Lawmakers secure millions for Piney Point cleanup, other Manatee



FLORIDA POLITICS

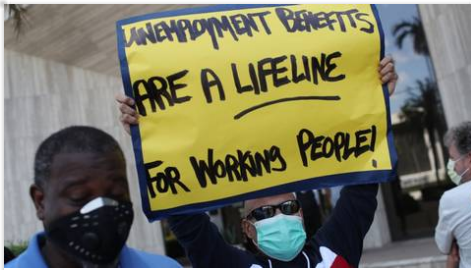
🔒 Lawmakers approve \$90M for dozens of South Florida projects. Will DeSantis veto any?

UPDATED 2 HOURS 48 MINUTES AGO

County projects

UPDATED 3 HOURS 4 MINUTES AGO

MAY 04, 2021 6:00 AM



FLORIDA POLITICS

Legislators didn't make improving Florida's unemployment benefits a priority

MAY 04, 2021 5:00 AM



FLORIDA POLITICS

DeSantis asked Legislature for wins that appeal to GOP base. It gave him everything.

UPDATED MAY 01, 2021 03:13 PM



- Thrombosis may occur even if you don't have any risk factors
- If you are at risk of thrombosis, your doctor may prescribe XEMBIFY at the minimum dose and infusion rate. Make sure you drink plenty of fluid before taking XEMBIFY. Make sure your doctor is checking you regularly for signs and symptoms of thrombosis and is checking your blood viscosity if you are at risk of hyperviscosity

SPONSORED CONTENT

XEMBIFY - Steady protection with maximum levels of infection-fighting antibodies

BY GRIFOLS

Take Us With You

Real-time updates and all local stories you want right in the palm of your hand.



MIAMI HERALD APP →

VIEW NEWSLETTERS →

SUBSCRIPTIONS

Start a Subscription

Customer Service

eEdition

Vacation Hold

Pay Your Bill

LEARN MORE

About Us

Contact Us

Newsletters

News in Education

Public Insight Network

Reader Panel

Archives

ADVERTISING

Place a Classified

Media Kit

Public Notices

[COPYRIGHT](#)

[COMMENTING POLICY](#)

[PRIVACY POLICY](#)

[TERMS OF SERVICE](#)