

AMENDMENT NO. 3 TO MIAMI-DADE COUNTY EMERGENCY ORDER NO. 26-20

WHEREAS, section 252.38(3)(a), Florida Statutes, gives political subdivisions the authority to declare and enact a State of Local Emergency for a period of up to seven days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law; and

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order No. 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of coronavirus disease 2019 (COVID-19) in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order No. 20-52, declaring a State of Emergency for the State of Florida related to COVID-19; and

WHEREAS, on March 12, 2020, the County Mayor declared a State of Local Emergency for all of Miami-Dade County related to COVID-19; and

WHEREAS, COVID-19 is transmitted by infected persons expelling respiratory droplets containing virus particles when they breathe, talk, cough, sneeze, or raise their voice, which are then ingested or inhaled by persons around them; and

WHEREAS, many persons infected by COVID-19 are contagious while they are asymptomatic, and can therefore spread the disease unwittingly; and

WHEREAS, prolonged close contact between people enhances the risk of spreading COVID-19; and

WHEREAS, COVID-19 cases have recently spread rapidly in Miami-Dade County; and

WHEREAS, currently, since March, nearly 47,000 County residents have tested positive for COVID-19, and more than 1,000 have died of the disease, including an eleven-year-old child; and

WHEREAS, COVID-19 poses a health risk to Miami-Dade County residents and visitors, particularly those who are elderly, immunosuppressed or otherwise have high-risk medical conditions; and

WHEREAS, the long term effects of COVID-19 on persons who recover are currently unknown; and

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WHEREAS, hospital capacity and medical availability is diminishing as COVID-19 patients require hospitalization, which will limit the ability of hospitals to perform elective medical procedures and may impact the delivery of life saving services; and

WHEREAS, section 8B-7(2)(f) of the Code of Miami-Dade County authorizes the County Mayor to close businesses in areas of danger; and

WHEREAS, section 8B-7(2)(o) of the Code of Miami-Dade County authorizes the County Mayor to issue orders as are necessary to protect human life; and

WHEREAS, section 252.46, Florida Statutes, authorizes the County to issue emergency orders as necessary to protect life and health; and

WHEREAS, establishments in which prolonged close contact between individuals occurs create higher risk of COVID-19 transmission; and

WHEREAS, this amendment to Emergency Order 26-20 clarifies that after a tropical storm or hurricane warning has been issued, or after a declaration of a state of emergency due to a tropical storm or a hurricane, that hotels, motels or other commercial lodging establishments may allow in-person dining at on-premises restaurants, may exceed social distancing requirements in ballrooms and meeting rooms for the purposes of providing temporary sheltering or for other emergency purposes arising from the tropical storm or hurricane; and

WHEREAS, this amendment to Emergency Order 26-20 clarifies that short term vacation rentals where otherwise permitted that are located in any structure operated in whole or in part as a hotel or a condominium may accept daily rentals, as those short term vacation rentals are not commonly used for large gatherings or parties,

THEREFORE, as County Mayor of Miami-Dade County, I hereby order:

- A. Emergency Order 26-20, as amended by amendment nos. 1 and 2 is replaced in its entirety by the following:
 1. Commencing at 12:01 a.m., Thursday, July 9, 2020 and notwithstanding any other emergency order to the contrary, all of the following shall be closed in both the incorporated and unincorporated areas of Miami-Dade County: (a) movie theaters, (b) concert houses, (c) auditoriums, (d) playhouses, (e) bowling alleys, (f) arcades, (g) indoor and outdoor amusement facilities and attractions, (h) casinos (except casinos on sovereign tribal land), (i) adult theaters, special cabarets, and unlicensed massage establishments, as defined in section 847.001, Florida Statutes, (j) banquet halls, both stand alone and incident to any hotel or other business, and (k) ballrooms both stand alone and incident to any hotel and other establishment.
 2. Commencing at 12:01 a.m., Thursday, July 9, 2020 and notwithstanding any other emergency order to the contrary, all individuals in a gym or fitness center shall at all times wear a mask or other facial covering as defined by Emergency Order 20-20. This requirement is in addition to, and does not modify or waive, any other

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requirement imposed on gyms and fitness centers in Emergency Order 23-20 or the New Normal Handbook.

3. Commencing at 12:01 a.m., Thursday, July 9, 2020 and notwithstanding any other emergency order to the contrary, all restaurants, cafeterias, and other food service establishment with seating for more than eight people within the incorporated and unincorporated areas of Miami-Dade County shall be limited to offering outdoor on-premises service only. Outdoor service of customers for on-premises consumption shall only be offered between the hours of 6:00 a.m. and 10:00 p.m. each day and shall close at 10:00 p.m. Notwithstanding the foregoing, between the hours of 10:00 p.m. and 6:00 a.m., such establishments may operate their kitchens only for the purpose of providing delivery services, pick-up, room service, or take out services, and employees, janitorial personnel, contractors, and delivery personnel shall be allowed access to such establishments. Table size at such establishments shall be limited to four persons per table, irrespective of whether those persons reside in the same household. Music shall be eliminated or set at a decibel level below that of a normal conversation.
4. Commencing at 12:01 a.m., Thursday, July 9, 2020 and notwithstanding any other emergency order and section 33-28(D)(3) of the Code to the contrary, in both the incorporated and unincorporated areas of Miami-Dade County, (a) the maximum daytime and overnight occupancy for short-term vacation rentals shall be up to a maximum of two persons per bedroom plus two additional persons per property not to exceed a maximum of ten persons, and (b), excepting short term vacation rentals where otherwise permitted that are located in structures operated in whole or in part as condominiums or hotels, new rental agreements shall not be entered into except on a monthly basis.
5. After a tropical storm or hurricane warning has been issued, or after a declaration of a state of emergency due to a tropical storm or a hurricane, for all or part of Miami-Dade County: (i) hotels, motels or other commercial lodging establishments may allow in-person dining at on-premises restaurants without limitation, and may exceed social distancing requirements or capacity limitations in ballrooms and meeting rooms for the purpose of temporary sheltering or other emergency response purposes, and (ii) any facility designated as a shelter pursuant to any state, county, or municipal emergency management plan, and any county or municipal facility being used for emergency management purposes, shall be exempt from social distancing requirements or capacity limitations and may allow in-person dining at such facility. These provisions allowing for the lifting of restrictions to address the community's needs to respond to a tropical storm or hurricane shall only be in effect for the duration of the declared emergency or hurricane or tropical storm warning unless terminated earlier by executive order.
6. This order does not affect or limit the operations of Miami-Dade County, Miami International Airport, Port Miami, any business operating at such port or airport, any public utility, any municipality, the Miami-Dade County School District, or

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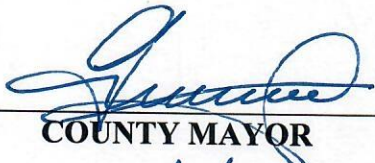
any state or federal office or facility, except that such entities shall abide by the restrictions of any County, municipal, state or federal emergency order, as applicable.

7. The provisions of this order shall serve as minimum standards. Municipalities may impose more stringent standards within their jurisdictions. Municipalities are encouraged to provide flexibility for outdoor seating at restaurants within their jurisdiction.
8. This order shall expire upon the expiration of the existing Miami-Dade County State of Local Emergency, provided, however, that if such State of Local Emergency is extended, this order shall also be deemed to be extended for the duration of such extension order. This order may be cancelled earlier by action of the County Mayor.

B. This amendment shall be provided to all appropriate media consistent with the requirements of section 8B-7(2)(n) of the Code of Miami-Dade County.

Enacted:

Signed: _____


COUNTY MAYOR

Date: 8/5/2020

Time: 7:05

Witness: _____



Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____

Time: ____:____

Witness: _____