



AMENDMENT NO. 1 TO MIAMI-DADE COUNTY EMERGENCY ORDER 33-20

WHEREAS, Section 252.38(3)(a), Florida Statutes, gives authority to political subdivisions 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 Number 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 Number 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; and

WHEREAS, on May 15, 2020, the County Mayor issued Emergency Order 23-20, which ordered the opening of certain retail and commercial establishments in accordance with the “The New Normal” Handbook; and

WHEREAS, in order to mitigate a surge in COVID-19 cases in Miami-Dade County, on July 2, 2020, the County Mayor issued Emergency Order 26-20 in order to close certain indoor spaces and outdoor spaces where groups of people congregated without physical distancing, with additional amendments on July 3, 2020, July 9, 2020, and August 5, 2020; and

WHEREAS, on September 25, 2020, the Governor of Florida issued Executive Order Number 20-244, stating that economic harms resulting from COVID-19 closures has exacerbated the State of Emergency; and

WHEREAS, Executive Order Number 20-244 moves the State of Florida into Phase 3 of its reopening plan, requiring local governments to provide economic impact analysis on the restaurant industry and explanation of why limits are necessary for public health if the local government intends to reduce capacity below 100 percent and requiring all other businesses to open as part of Phase 3; and

WHEREAS, taxable food and beverage sales continue to decline, with sales in hotel establishments having declined 56 percent year over year, based on this year’s County tax revenue collections; and

WHEREAS, restaurants continue to remain closed as a result of decreased demand for dining; and

WHEREAS, employment in the restaurant industry continues to struggle, experiencing a 20 percent decline in available jobs compared to one year prior, based on January 2021 employment data; and

WHEREAS, these losses are industry averages; and

WHEREAS, these losses reflect both government restrictions on restaurants and also customers who chose not to patronize restaurants due to concerns about COVID-19; and

WHEREAS, the continuing restrictions in this Emergency Order with respect to social distancing may prohibit some restaurants from operating at 100 percent capacity; and

WHEREAS, transmission of COVID-19 happens when an infected person coughs, sneezes, or talks, and droplets from their mouth or nose are launched into the air and land in the mouths or noses of people nearby and then inhaled into the lungs; and

WHEREAS, recent studies, and the advice of the medical doctors consulted by the County, indicate that people who are infected with COVID-19, but do not have symptoms, likely also play a role in the spread of COVID-19, since people can spread the virus before they know they are sick; and

WHEREAS, persons sitting in a restaurant eating may be expelling virus, and it is necessary to take steps to ensure that restaurant customers do not inadvertently spread the virus; and

WHEREAS, the restriction below that tables must be 6 feet apart is necessary to ensure that restaurant customers do not inadvertently infect each other as they sit and eat; and

WHEREAS, while threats from COVID-19 variants remain, more than 800,000 County residents have been vaccinated in Miami-Dade County; and

WHEREAS, while positivity rates remain over six percent, hospital admissions and intensive care bed usage are stable or declining; and

WHEREAS, medical experts consulted by Miami-Dade County believe that lifting the curfew will not substantially impact public health; and

WHEREAS, section 8B-7(2)(f) of the Code of Miami-Dade County (“Code”) authorizes the County Mayor to order the closure of any commercial establishment; and

WHEREAS, sections 8B-7(2)(e) and (o) of the Code authorize the County Mayor to limit the movement of persons inside Miami-Dade County in order to safeguard life and health; and

WHEREAS, Executive Order Number 20-52 authorizes the County to respond to the still-existent COVID-19 emergency; and

WHEREAS, Section 252.46, Florida Statutes, authorizes the County to issue such orders and rules as are necessary for emergency management purposes;

WHEREAS, the safety and welfare of all the citizens of Miami-Dade County is paramount,

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

A. Section 3(d) of Emergency Order 33-20 is hereby amended and restated as follows:

3(d). Restaurants and other food service establishments with seating for more than eight people shall close for on-premises dining between the start of the curfew as determined in Emergency Order 27-20 and 6:00 a.m. the next morning. Notwithstanding the foregoing, such establishments may operate their kitchens for the purpose of providing delivery services, pick-up or take-out services. Employees, janitorial personnel, contractors and delivery personnel shall be allowed access to such establishments at all times. Upon the expiration of the curfew, the limitations of this Section 3(d) shall be of no further force and effect.

B. All other provisions of Emergency Order 33-20, as amended, shall remain in full force and effect.

C. The provisions of this order shall serve as minimum standards. Municipalities may impose more stringent standards within their jurisdiction.

D. This order 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: _____

Daniella Lennie Cox

COUNTY MAYOR

Date: 4/7/21

Time: 9:29 AM

Witness: _____

George J. Ancher

Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____

Time: ____:____

Witness: _____