

Memorandum



Date: June 2, 2020

Agenda Item No. 12(A)(1)

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in blue ink, appearing to read "Carlos A. Gimenez", written over the "From:" line.

Subject: Ratification of Emergency Orders Issued in Response to COVID-19 Pandemic

On April 7 and May 19, 2020, the Board of County Commissioners (Board) ratified a series of emergency orders and amendments I have issued to protect the health, safety and well-being of the 2.8 million residents of Miami-Dade County since first declaring a local State of Emergency due to the COVID-19 pandemic on March 12, 2020. Additional emergency orders have since been issued that also require ratification by the Board.

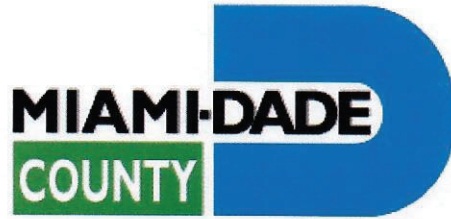
The additional orders requiring ratification are posted on the miamidade.gov/coronavirus website, and I have also attached them as part of this memorandum for your convenient reference. Following is a quick summary of my Emergency Orders signed since the last ratification of orders by the Board on May 19, 2020:

- Emergency Order 22-20 ordered all residential health care facilities to report, if requested by the County, information on how many COVID-19 positive patients are currently residing at the facility; how many COVID-19 positive staff are employed by the facility, and for each such employee, the date they were last in the facility; the total number of residents currently hospitalized due to COVID-19; the total number of deaths due to COVID-19, if any, among former residents of the facility.
- Emergency Order 15-20, as amended, allowed facilities owned or leased by a professional sports franchise to be used solely by employees of such franchise for training purposes, and ordered that prior to and as a precondition of engaging in such training, the franchise to submit to and have approved by the County a plan addressing the franchise's approach to mitigating COVID-19 risk at the facility through social distancing, periodic testing, or both.
- Emergency Order 23-20 allowed the opening of certain retail and commercial establishments, conditioned on compliance with certain provisions, and allowed for restaurants in the unincorporated municipal service area that comply with certain requirements to provide outdoor dining areas.

These orders reinforce the day-by-day monitoring approach that my administration and I have taken in consultation with medical experts to protect our community, while establishing guidelines for the responsible, safe and enforceable reopening of certain areas of our community. I will continue to take this approach in unwinding previously issued orders, in a phased manner, as we adjust to a new normal.

Pursuant to Section 8b-7 of the Miami-Dade County Code, all of the orders that I have signed during the State of Local Emergency require ratification by the Board of County Commissioners. Therefore, I respectfully request that you ratify these orders so that we can continue to slow down the spread of COVID-19 in our community. I will continue to monitor the spread of the virus in consultation with our health and public safety experts, and will sign additional orders that are in the best interest of our entire community as this pandemic evolves. Thank you for your support.

Attachment



AMENDMENT 2 TO MIAMI-DADE COUNTY EMERGENCY ORDER 15-20

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 Number 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19/novel Coronavirus 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/novel Coronavirus; and

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

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

WHEREAS, minimization of social contact is necessary to avoid risk of COVID-19 infection for the residents of the County; and

WHEREAS, the County previously issued Emergency Order closing various public and private athletic facilities; and

WHEREAS, various professional sports associations and leagues may be able to safely utilize their facilities, pursuant to testing and social distancing guidelines such leagues may promulgate,

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

1. All pools, hot tubs, fitness centers, and gymnasiums, whether of a commercial or non-commercial nature, are closed for all purposes. Other common use amenities may be open to the extent use of such amenities is consistent with Emergency Order 21-20. Notwithstanding the foregoing, this order does not apply to any pool, hot tub, tennis court, basketball court, fitness center, gymnasium or other amenity located: (a) on a single family residential lot, or, (b) at any townhouse, duplex, or villa, and which is for the exclusive recreational or leisure use of the inhabitants of such individual dwelling unit. >> Nothing contained herein shall preclude the

Miami-Dade County Declaration of Local State of Emergency

use of facilities owned or leased by a professional sports franchise, solely by employees of such franchise for training purposes; however, prior to and as a precondition of engaging in such training, the franchise shall submit to and have approved by the County a plan addressing the franchise's approach to mitigating COVID-19 risk at the facility through social distancing, periodic testing, or both.<<

2. This order supersedes Emergency Orders 03-20, 06-20, and 09-20 to the extent inconsistent herewith.

3. This order shall be effective as of 6:00 p.m. on May 8, 2020.

4. This order shall expire upon the expiration of the existing Miami-Dade County State of Local Emergency, except that if such State of Local Emergency is extended, this order shall also be deemed to extend for the duration of such extension. This order may be cancelled earlier by action of the County Mayor.

5. 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: _____


COUNTY MAYOR

Date: 7/8/2020

Time: 14:15

Witness: _____



Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____

Time: ____:____

Witness: _____

Miami-Dade County Declaration of Local State of Emergency



MIAMI-DADE COUNTY EMERGENCY ORDER 22-20

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 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 issued Executive Order Number 20-52, declaring a State of Emergency for the State of Florida related to COVID-19; and

WHEREAS, on March 11, 2020, the Florida Division of Emergency Management issued Order 20-002, which recognized that nursing homes and assisted living facilities are uniquely vulnerable to COVID-19; and

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

WHEREAS, the County Mayor has filed an affidavit indicating that this State of Emergency, including extensions, may last for more than 30 days; and

WHEREAS, on March 30, 2020, the Governor issued Executive Order Number 20-89, restricting the operation of non-essential businesses in Palm Beach, Broward, and Miami-Dade Counties and requiring such establishments to take reasonable actions to comply with the United States Centers for Disease Control and Prevention (CDC) guidelines on social distancing; and

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

WHEREAS, there are numerous residential health care facilities in Miami-Dade County, providing crucial services to some of the County's most vulnerable residents; and

WHEREAS, the County needs timely and accurate information in order to ensure its efforts to combat the virus are effective, and to allocate resources where needed,

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

1. All residential health care facilities in the unincorporated and incorporated areas of Miami-Dade County report, if requested by the County, the following information:

- (1) How many COVID-19 positive patients are currently residing at the facility;
- (2) How many COVID-19 positive staff are employed by the facility, and for each such employee, the date they were last in the facility;
- (3) The total number of residents currently hospitalized due to COVID-19;
- (4) The total number of deaths due to COVID-19, if any, among former residents of the facility;
- (4) When making the first report:
 - (a) the number of COVID-19 positive cases among patients the facility has had to-date;
 - (b) the number of patient deaths attributed to COVID19 to-date; and
 - (c) the number of COVID-19 positive cases among staff to-date.

This information does not need to be provided with any subsequent reports.

2. For the purposes of this order, a residential health care facility includes assisted living facilities as defined under section 429.02, Florida Statutes; nursing homes as defined under section 400.021, Florida Statutes; adult family care homes as defined in section 429.63, Florida Statutes; intermediate care facilities as defined in section 400.701, Florida Statutes; residential treatment facilities as defined in section 394.67, Florida Statutes; and transitional living facilities as defined in section 400.9971, Florida Statutes.

3. Each residential health care facility shall be responsible for providing the above information solely with respect to its physical campus. No residential health care facility shall transmit any individually identifiable patient health information or other such information which may not be disclosed pursuant to federal or state law. If a residential health care facility believes that all or some of this information is trade secret, as defined in Florida Statutes, the facility shall expressly indicate this when it transmits this information

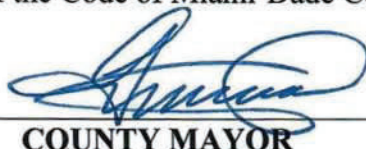
4. This order shall be effective as of 6:00 p.m. on May 6, 2020.

5. This order shall expire upon the expiration of the existing Miami-Dade County State of Local Emergency, except that if such State of Local Emergency is extended, this order shall also be deemed to extend for the duration of such extension. This order may be cancelled at any time by action of the County Mayor.

6. 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: _____


COUNTY MAYOR

Date: 5/6/2020

Time: 15:40

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Witness: Laurel P. Giron

Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____

Time: __: __

Witness: _____



MIAMI-DADE COUNTY EMERGENCY ORDER 23-20

WHEREAS, on March 19, 2020, the County Mayor issued Emergency Order 07-20 relating to coronavirus disease 2019 (COVID-19); and

WHEREAS, Emergency Order 07-20, as amended by Amendment Nos. 1 through 3, required the closure of all non-essential retail and commercial establishments, as defined therein; and

WHEREAS, on April 9, 2020, the County Mayor issued Emergency Order 20-20; and

WHEREAS, Emergency Order 20-20 required facial coverings, as defined by the United States Centers for Disease Control and Prevention ("CDC"), to be worn by persons working in or visiting grocery stores, restaurants, public transit vehicles, vehicles for hire, and locations where social distancing measures are not possible; and

WHEREAS, as Miami-Dade County COVID-19 hospitalizations have stabilized and begun declining, the County will be allowing for certain activities to resume that do not pose a threat for transmission of the virus; and

WHEREAS, unlike many establishments that will operate pursuant to this order, restricting indoor occupancy presents unique challenges to restaurants, and therefore additional flexibility in providing seating areas is warranted; 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, the Governor, via Executive Order 20-122 has allowed Miami-Dade County to proceed to Phase 1 of the Safe, Smart, Step by Step Plan for Florida's Recovery, subject to the limitations imposed in Executive Order 20-112 paragraphs two through six; and

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:

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1. Except for those establishments listed in paragraph 4 below, every retail and commercial establishment and any other establishment or facility (collectively, “establishment”) in Miami-Dade County may open, provided that each such establishment:
 - a. complies with the requirements in paragraph 2 below;
 - b. complies with the applicable activity-specific requirements in the “Moving To A New Normal Handbook,” attached as Exhibit A (the “Handbook”);
 - c. complies with the facial covering requirements in paragraph 6; and
 - d. consents to the entry of County personnel onto the establishment’s property for the sole purpose of inspection for compliance with this order.
2. As a condition of opening, all establishments shall, as set forth in the Handbook:
 - a. post CDC signage in public locations emphasizing measures to “Stop the Spread” and to exercise social responsibility;
 - b. train all personnel in new operating protocols and modifications to existing codes of conduct to deal with COVID-19 issues;
 - c. reduce seating in breakrooms and common areas to ensure a minimum physical distance of six feet between people, and where possible, establish a single point of entrance;
 - d. post a contact email address, telephone number or both for employees and customers to raise questions or concerns;
 - e. if faced with infection from on-site personnel, immediately report the number of infected persons, time of infection, and proposed remediation plan to the Florida Department of Health, as more further specified in Exhibit A;
 - f. enhance sanitization of all common areas and frequent touch points;
 - g. place trash containers for facial coverings and other personal protective equipment (“PPE”) near exits, entrances and other common areas;
 - h. comprehensively clean establishments each night, including thoroughly disinfecting all frequent touch points and emptying all trash receptacles using solid waste bags that are double-bagged and securely sealed;
 - i. install hand sanitizer at entry points and throughout the property;
 - j. use reasonable efforts to ensure that on-site customers, employees, contractors, and vendors maintain appropriate social distancing, as recommended by the then-current CDC guidelines, which may include, but are not limited to, marking floors at appropriate intervals or providing other visible systems to identify the appropriate social distance; and
 - k. comply with any restrictions or requirements imposed pursuant to any Executive Order issued by the Governor, including, but not limited to, building capacity restrictions.
3. No establishment is required to comply with the provisions listed as “recommendations” in the Handbook, but all businesses are strongly urged to follow those recommendations to the maximum extent possible. However, activity and site-specific restrictions and requirements listed in the Handbook in **bold** must be followed by all applicable establishments.
4. The following establishments remain closed:

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- a. bars, pubs, night clubs, banquet halls, cocktail lounges, cabarets, and breweries, except for take-out or delivery services as authorized pursuant to Emergency Order 03-20;
- b. movie theaters, concert houses, auditoriums, playhouses, bowling alleys, arcades, gymnasiums, and fitness studios;
- c. hotels and commercial lodging establishments, except as operated pursuant to Emergency Order 09-20, as amended;
- d. pools and hot tubs, except as authorized in Emergency Order 16-20, as amended;
- e. tattoo parlors; and
- f. massage parlors.

5. Any establishment that has an on-site employee or contractor who tests positive shall close for the shorter of:

- a. the time needed for all staff to be tested and the establishment to be deep-sanitized, as specified in the Handbook; or
- b. 14 days from the date such employee or contractor was last onsite at such establishment.

Where an establishment has multiple floors or structures, only those structures or floors where the infected person was present are required to be deep-sanitized as a condition of re-opening, and only those employees working in such structures or on such floors must be tested.

6. All persons working in or visiting an establishment, including but not limited to airports, seaports, and mass transit facilities and vehicles, shall wear a facial covering as described in Emergency Order 20-20, except that facial coverings shall not be required:

- a. for children under the age of two years;
- b. for persons who have trouble breathing;
- c. where Federal or state safety or health regulations prohibit the wearing of facial coverings; or
- d. for persons engaged in strenuous physical activity.

Additional PPE may be required of persons engaged in specific activities as described in the Handbook.

7. Restaurants in the unincorporated municipal service area that comply with the foregoing requirements may also provide outdoor dining areas in accordance with the provisions set forth in Exhibit B.

8. This order does not affect or limit the operations of Miami-Dade County, any public utility, any municipality, the Miami-Dade County School District, or 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.

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9. This order does not limit the number of persons who may be physically present at any religious service. Persons attending religious services are urged, but are not required, to practice social distancing, such as keeping six feet between persons and limiting group size to less than ten people.
10. The provisions of this order shall serve as minimum standards. Municipalities may impose more stringent standards within their jurisdictions.
11. All prior emergency orders remain in effect except to the extent modified by this order. This order supersedes any conflicting provision of any prior order.
12. 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.
13. This order shall be effective as of 12:01 a.m., on Monday, May 18, 2020.
14. 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: _____


COUNTY MAYOR

Date: 5/15/2020 Time: 17:35

Witness: Louder P. Jimenez

Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____ Time: ____:____

Witness: _____

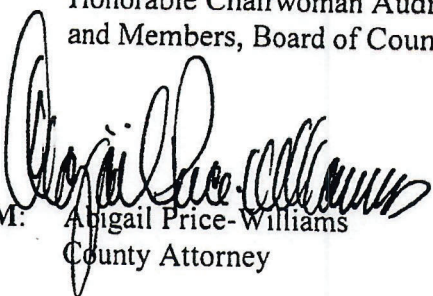


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 2, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 12(A)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 12(A)(1)
6-2-20

RESOLUTION NO. _____

RESOLUTION RATIFYING CORONAVIRUS/COVID-19
STATE OF EMERGENCY ORDERS AND AMENDMENTS
THERETO ENACTED BY THE MIAMI-DADE COUNTY
MAYOR

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies the following Coronavirus/COVID-19 Emergency Orders and amendments thereto enacted by the Miami-Dade County Mayor: 15-20, 22-20, and 23-20.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

| | |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman | |
| Rebeca Sosa, Vice Chairwoman | |
| Esteban L. Bovo, Jr. | Daniella Levine Cava |
| Jose “Pepe” Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of June, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Lauren E. Morse
David M. Murray