

MEMORANDUM

Agenda Item No. 11(A)(14)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 16, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution related to the Coronavirus Disease 2019 (COVID-19); directing the County Mayor to: (I) study the feasibility of procuring and using robotics to sterilize county facilities and using genomic testing to track COVID-19 reinfection rates and variant prevalence, (II) establish a call center and texting service for county residents to obtain information regarding COVID-19 and vaccination, (III) procure COVID-19 detecting canines and develop a plan for the deployment of such canines at County facilities, and (IV) provide financial assistance to the Public Health Trust; directing the Public Health Trust to, where authorized by law and subject to funding limitations, conduct COVID-19 education and outreach campaigns among its patients and for County residents; urging the Federal and state governments to provide additional vaccine supply to Miami-Dade County; urging the Florida Legislature and the Florida Governor to rescind the portion of Executive Order 20-244 limiting the ability of the County to collect fines and penalties from individuals who have violated any County emergency order; directing the County Mayor to broadcast messages regarding COVID-19 vaccinations; and requiring reports

This item was amended at the 3-9-21 Health, Emergency Management and Intergovernmental Affairs Committee to add a new section 16 which directs the County Mayor or designee to broadcast information about COVID-19 vaccines. The item was bifurcated at committee and Section 9 was subsequently withdrawn. Conforming changes to the title were made to match the deletion of Section 9.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
County Attorney

GBK/jp




MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 16, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(14)

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. 11(A)(14)
3-16-21

RESOLUTION NO. _____

RESOLUTION RELATED TO THE CORONAVIRUS DISEASE 2019 (COVID-19); DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO: (I) STUDY THE FEASIBILITY OF PROCURING AND USING ROBOTICS TO STERILIZE COUNTY FACILITIES AND USING GENOMIC TESTING TO TRACK COVID-19 REINFECTION RATES AND VARIANT PREVALENCE, (II) ESTABLISH A CALL CENTER AND TEXTING SERVICE FOR COUNTY RESIDENTS TO OBTAIN INFORMATION REGARDING COVID-19 AND VACCINATION, (III) PROCURE COVID-19 DETECTING CANINES AND DEVELOP A PLAN FOR THE DEPLOYMENT OF SUCH CANINES AT COUNTY FACILITIES, AND (IV) PROVIDE FINANCIAL ASSISTANCE TO THE PUBLIC HEALTH TRUST; DIRECTING THE PUBLIC HEALTH TRUST TO, WHERE AUTHORIZED BY LAW AND SUBJECT TO FUNDING LIMITATIONS, CONDUCT COVID-19 EDUCATION AND OUTREACH CAMPAIGNS AMONG ITS PATIENTS AND FOR COUNTY RESIDENTS; URGING THE FEDERAL AND STATE GOVERNMENTS TO PROVIDE ADDITIONAL VACCINE SUPPLY TO MIAMI-DADE COUNTY; URGING THE FLORIDA LEGISLATURE AND THE FLORIDA GOVERNOR TO RESCIND THE PORTION OF EXECUTIVE ORDER 20-244 LIMITING THE ABILITY OF THE COUNTY TO COLLECT FINES AND PENALTIES FROM INDIVIDUALS WHO HAVE VIOLATED ANY COUNTY EMERGENCY ORDER; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO BROADCAST MESSAGES REGARDING COVID-19 VACCINATIONS; AND REQUIRING REPORTS

WHEREAS, the 2019 novel coronavirus, called SARS-CoV-2, caused an outbreak of illness (COVID-19) that began in December 2019 and quickly spread throughout the world; and

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak a global health emergency and later declared it a pandemic; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order No. 20-51, directing the State Health Officer and Surgeon General to declare a public health emergency in the State of Florida and directing the State Health Officer to take any action necessary to protect the public health; and

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

WHEREAS, on March 11, 2020, the Mayor of Miami-Dade County declared a state of emergency for Miami-Dade County as a result of COVID-19; and

WHEREAS, these orders have since been extended; and

WHEREAS, COVID-19 remains an ongoing threat to Miami-Dade County residents; and

WHEREAS, Miami-Dade County has suffered more COVID-19 cases, and more COVID-19 deaths, than any other county in Florida; and

WHEREAS, ensuring that the virus is controlled locally is of critical importance to the future of Miami-Dade County; and

WHEREAS, there are numerous actions which can be taken to ensure local control of the virus; and

WHEREAS, the County can invest in tools to limit the spread of the disease, which include the procurement of dogs that have been trained to detect COVID-19 by smelling infected persons, which are currently being used to screen entrants into American Airlines Arena, and which could be deployed by the County to screen entrants at Miami International Airport, the Port of Miami, and other County facilities with extensive public utilization or which otherwise present unique risks related to COVID-19; and

WHEREAS, the County can also invest in autonomous robots with the capability of killing pathogens such as COVID-19 in the air and on surfaces through high-intensity ultraviolet UV-C wavelength light, which are currently used at Key West International Airport to sterilize its terminals overnight and which could be applied to Miami International Airport, the Seaport, and other County facilities; and

WHEREAS, continuing to educate the community with respect to availability of resources and measures to protect themselves can help individual residents make better choices to keep their families safe; and

WHEREAS, the County does not currently have a single point of contact for residents with questions regarding the pandemic, which could include questions as to testing or vaccine availability, questions about symptoms, questions about the virus, or questions about County responses to the pandemic; and

WHEREAS, establishing a single phone number where residents can get answers to these questions will assist residents in protecting themselves and other residents; and

WHEREAS, additional outreach and education can be performed by the Public Health Trust (“Trust”), Miami-Dade County’s most vital health care resource, which operates the Jackson Health System, including Jackson Memorial Hospital, Jackson North Medical Center and Jackson South Medical Center; and

WHEREAS, it is the mission of the Trust to build the health of the community by providing a single, high standard of quality health care for the residents of Miami-Dade County; and

WHEREAS, the Trust can use its relationships with its patients to encourage vaccination, to provide follow-up to infected individuals, and to provide medical advice to the community; and

WHEREAS, pursuant to Section 25A-4(j) of the Code of Miami-Dade County, Florida (the “Code”), the Trust shall comply with any Commission directive, as set forth from time to time by resolution of the Commission; and

WHEREAS, pursuant to Section 25A-4(b)(4) of the Code, if any such directive will result in a financial impact to the Trust, then this Board shall provide County funding to the Trust for implementation of and compliance with the directive for the period of time necessary for implementation or compliance; and

WHEREAS, enhancing the County’s understanding of local conditions will also assist in recovery, especially as there is still much about COVID-19 that is not understood; and

WHEREAS, for example, it is critical to know which COVID-19 variants are prevalent locally, which can only be determined by genomic testing; and

WHEREAS, it is unclear how long persons who have recovered from COVID-19 enjoy immunity to the disease, or whether or not any variants are more capable of reinfecting recovered persons; and

WHEREAS, the United States Centers for Disease Control and Prevention suggests laboratory testing, particularly the genomic sequencing of paired specimens from each infection episode, as a means of investigating possible reinfection with SARS-CoV-2; and

WHEREAS, additional information about the nature and extent of reinfection with SARS-CoV-2 could inform Miami-Dade County’s ongoing COVID-19 response efforts; and

WHEREAS, the County could utilize additional assistance by the Federal and state governments in ending the crisis; and

WHEREAS, vaccines are a critical resource to contain the spread of COVID-19, but presently only a limited supply is available; and

WHEREAS, in December 2020, the United States Food and Drug Administration issued Emergency Use Authorizations for the Pfizer-BioNTech COVID-19 vaccine for individuals 16 years of age and older, and for the Moderna COVID-19 vaccine for individuals 18 years of age and older; and

WHEREAS, the allocation of vaccine supplies both as between states and intrastate is controlled by the federal government and Governor DeSantis, respectively; and

WHEREAS, additional vaccine supplies for Miami-Dade County are needed, as Miami-Dade County continues to have the highest rates of COVID-19 infections in the state, and in the nation; and

WHEREAS, in light of these rates of infections, the County should also be allowed to utilize its police powers to enforce local masking and social distancing requirements, which may be necessary locally due to the unique spread of disease in Miami-Dade County; and

WHEREAS, on September 25, 2020, Governor DeSantis issued Executive Order Number 20-244, directing, in Section 4, that the collection of fines and penalties associated with COVID-19 enforcement on individuals be suspended during the State of Florida's declared COVID-19 state of emergency; and

WHEREAS, the Miami-Dade County Home Rule Amendment expressly authorizes the County to pass ordinances relating to the affairs, property and government of Dade County and provide suitable penalties for the violation thereof; and

WHEREAS, Executive Order 20-244 does not prohibit the issuance of fines or penalties on businesses or individuals associated with COVID-19 enforcement, but merely delays the collection of such fines and penalties until the expiration of Executive Order 20-244 or the State of Florida's COVID-19 State of Emergency; and

WHEREAS, this Board believes that the ability to timely collect fines and penalties from individuals is a critical element in ensuring compliance with local ordinances and emergency orders necessary to stem the spread of this deadly pandemic; and

WHEREAS, this Board believes that the suspension of the collection of fines and penalties in Executive Order Number 20-244 needlessly impedes upon the ability of local governments to adjust rules and restrictions necessary to combat the COVID-19 pandemic in their local jurisdictions; and

WHEREAS, this Board believes that the suspension of the collection of fines and penalties in Executive Order Number 20-244 may increase the risk to the health and safety of Miami-Dade County residents and visitors by preventing the County from timely enforcing necessary COVID-19 restrictions on individuals; and

WHEREAS, the suspension of the collection of fines and penalties in Executive Order Number 20-244 violates the spirit of the Miami-Dade County Home Rule Amendment to the Florida Constitution which should be liberally construed to grant local government control of local affairs; and

WHEREAS, this Board desires to provide for the continuing health, safety and well-being of the residents of Miami-Dade County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board adopts the foregoing recitals as if fully set forth herein.

Section 2. This Board directs the County Mayor or County Mayor's designee to examine the use of artificial intelligence or robotics to assist in preventing the spread of COVID-19 by disinfecting County airports, seaports, and all points of travel. This Board further directs the County Mayor or County Mayor's designee to provide a report to this Board with the results of said examination.

Section 3. This Board directs the County Mayor or County Mayor's designee to take all appropriate actions to procure dogs trained to detect COVID-19 positive persons, and to develop and implement a plan for deployment of dogs trained to detect COVID-19 positive persons at Miami International Airport, the Port of Miami, and other County facilities with extensive public utilization or which otherwise present unique risks related to COVID-19.

Section 4. This Board directs the County Mayor or County Mayor's designee to examine the feasibility of implementing procedures to study COVID-19 reinfection rates in Miami-Dade County through use of genomic sequencing or other testing of specimens and by using other legally available means to collect and analyze data, and to provide a report. Such report shall indicate, at a minimum, the capability of Miami-Dade County to retain specimens and perform genomic sequencing or other testing to investigate COVID-19 reinfection countywide, as well as the costs of doing so.

Section 5. This Board directs the County Mayor or County Mayor's designee to create a COVID-19 call center and texting service whereby Miami-Dade residents can obtain information regarding COVID-19. In creating the call center and texting service, the Mayor or Mayor's designees shall consider, at a minimum, the feasibility of : (1) service staff able to provide residents with information related to COVID-19, including general symptoms associated with the COVID-19 virus, the County's general COVID-19 policies and procedures, locations within the County

offering the COVID-19 vaccines, the methods available to set an appointment for a COVID-19 vaccine, and lodging options for residents who are seeking to quarantine; (2) staffing the call center and texting service with retired and active healthcare professionals; (3) staffing the call center with medical students and volunteers; and (4) Miami-Dade County residents being able to use the call center and texting service by dialing 311 or a different three digit number.

Section 6. This Board directs the County Mayor or County Mayor's designee to provide a report on the actions referenced in Section 5 above. In addition to addressing the considerations required in Section 5 above, such report shall also include, at a minimum, an analysis of: (a) the required costs to create a COVID-19 call center and texting service including, but not limited to, equipment, and staffing costs; (b) the available funding source(s) to create the call center and texting service; and (c) the time frame needed to begin operating the call center and texting service.

Section 7. This Board urges the federal and state governments to provide additional vaccine supply to Miami-Dade County and to distribution sites within Miami-Dade County.

Section 8. This Board urges the Florida Legislature and Governor Ron DeSantis to rescind Section 4 of Executive Order 20-244 which suspends the collection of fines and penalties associated with COVID-19 enforcement upon individuals until the expiration of Executive Order 20-244 or the State of Florida COVID-19 State of Emergency.

~~**Section 9.** This Board hereby authorizes the County Attorney to pursue or defend any lawsuits the County Attorney deems necessary to defend Miami-Dade County's home rule authority related to the authority of the Board of County Commissioners to provide suitable penalties for the violation of County Ordinances as set forth in the Florida Constitution.]]¹~~

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

Section >>9.<<[[10.]] This Board directs the Public Health Trust to: (1) take all legally available measures to contact persons who are eligible to receive the COVID-19 vaccine for available vaccine appointments at Public Health Trust designated facilities; (2) educate the public on the efficacy and availability of the COVID-19 vaccine countywide; (3) take all legally available measures to contact persons who have tested positive for COVID-19 for purposes of educational outreach; and (4) take all actions necessary to carry out the purposes of this resolution. The Public Health Trust shall cease carrying out the foregoing directives when any legally available funds allocated pursuant to section 11 below of this resolution are unavailable or otherwise exhausted.

Section >>10.<<[[11.]]. This Board directs the County Mayor or County Mayor's designee to: (1) take all actions necessary to achieve the purpose of section 10 above; and (2) allocate and use legally available funds to achieve the purpose of section 10 above to the maximum extent possible.

Section >>11.<<[[12.]] This Board directs the Public Health Trust, together with the County Mayor or County Mayor's designee, to provide a written report regarding section 10 above to this Board. Such report shall update this Board on the progress and achievements of the directives set forth in this resolution and shall include, at a minimum: (1) the number of eligible persons who have been contacted for available COVID-19 vaccination appointments; (2) the means of educating the public on the efficacy and availability of the COVID-19 vaccine countywide; (3) the measures taken to contact persons who have tested positive for COVID-19 for purposes of educational outreach and the number of persons contacted; and (4) how much funding has been allocated and expended to achieve the directives set forth in this resolution.

Section >>12.<<[[13]]. This Board directs the County's state lobbyists to advocate for the legislative or other action set forth in sections 7 and 8 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 State Legislative Package to include this item.

Section >>13.<<[[14]] This Board directs the County's federal lobbyists to advocate for the legislative or other action set forth in section 7 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 federal legislative package to include this item.

Section >>14.<<[[15]] This Board directs the Clerk of the Board to transmit a certified copy of this resolution to the President of the United States, the Members of the Florida Congressional Delegation, the Governor, Senate President, and House Speaker of the State of Florida, the Chair and Members of the Miami-Dade County State Legislative Delegation, and the Secretary of the United States Department of Health and Human Services.

Section >>15.<<[[16]] Unless otherwise specified herein, all reports required by this resolution shall be provided to this Board within 30 days of the effective date of this resolution, and shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

>>Section 16. The County Mayor or County Mayor's designee is directed to use internal media resources currently available to the County, such as MDTV and other County controlled media sources, to broadcast messages encouraging COVID-19 vaccination and providing information on vaccine and testing availability.<<

The Prime Sponsor of the foregoing resolution is Commissioner Kionne L. McGhee. It 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:

Jose "Pepe" Diaz, Chairman

Oliver G. Gilbert, III, Vice-Chairman

Sen. René García

Sally A. Heyman

Eileen Higgins

Kionne L. McGhee

Raquel A. Regalado

Sen. Javier D. Souto

Keon Hardemon

Danielle Cohen Higgins

Joe A. Martinez

Jean Monestime

Rebeca Sosa

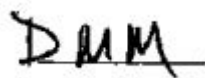
The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of March, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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.



David M. Murray