

Memorandum



Date: August 24, 2020

Special Item No. 6

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

From: Carlos A. Gimenez
Mayor

Resolution No. R-787-20

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

On April 7, May 19, June 2, June 16, July 16, and July 27, 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 and amendments 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 and amendments signed since the last ratification of orders by the Board on July 27, 2020:

- Amendment No. 3 to Emergency Order 26-20, which I signed on August 5, 2020, clarified 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 clarified 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.
- Amendment No. 4 to Emergency Order 21-20, which I signed on August 5, 2020, allowed for dogs to be off leash at dog parks, effective as of 12:01 a.m. on August 6, 2020.

These orders reinforce the day-by-day monitoring approach that my administration and I continue to take in consultation with medical and public health experts, law enforcement and industry experts in response to COVID-19 cases. I will continue to monitor the spread of the virus and take additional measures to ensure compliance with the established guidelines that keep our community safe.

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, and I respectfully request that you ratify these orders. Thank you for your support.

Attachment



MEMORANDUM (Revised)

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

DATE: August 24, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Special Item No. 6

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 _____

Special Item No. 6
8-24-20

RESOLUTION NO. _____ R-787-20

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

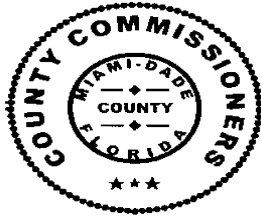
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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: Amendment 3 to Emergency Order 26-20, and Amendment 4 to Emergency Order 21-20.

The foregoing resolution was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 24th day of August, 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Lauren E. Morse
David M. Murray



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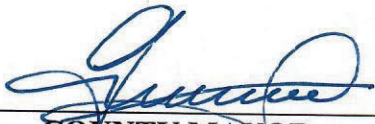
any state or federal office or facility, except that such entities shall abide by the restrictions of any County, municipal, state or federal emergency order, as applicable.

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:

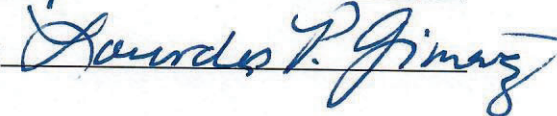
Signed: _____


COUNTY MAYOR

Date: 8/5/2020

Time: 7:05

Witness: _____



Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____

Time: ____:____

Witness: _____



AMENDMENT NO. 4 TO MIAMI-DADE COUNTY EMERGENCY ORDER 21-20

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 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 Emergency for all of Miami-Dade County; 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 pose a less significant threat for transmission of the virus; and

WHEREAS, Emergency Order 23-20, as amended by amendment no. 2, provided standards for the safe resumption of summer camps, youth sports, and fitness activities; and

WHEREAS, this amendment allows for dogs to be off leash at dog parks; and

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

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

- A. Paragraph 4 of Emergency Order 21-20, as amended, is hereby amended and restated as follows:

4. Effective as 6:00 am, April 29, 2020, all parks and recreational facilities in the incorporated and unincorporated areas of Miami-Dade County may be open, but only under the limited circumstances set forth herein:

Miami-Dade County Declaration of Local State of Emergency

- All parks and recreational facilities may be open only from the hours of 7 a.m. to 8 p.m. Within this time period, a park or recreational facility may be open for a shorter time period if prescribed by their normal operating hours or, with respect to parks operated by municipalities, by municipal regulation.
- Use of parks and recreational facilities shall be for limited active and passive uses by individuals and families, as permitted by this order and following current CDC and State Health Department guidelines. Notwithstanding anything else herein to the contrary, summer camps and youth sports are allowed if conducted in conformance with Emergency Order 23-20, as amended, and the Moving to A New Normal Handbook incorporated into that order.
- No groups of 10 or more persons shall congregate in parks or recreational facilities. All persons, excepting family, shall observe social distancing, both within groups and with others.
- Only the following limited active uses are allowed: walking, jogging, hiking, skating, cycling, nature walks on trails, and sports skills practice and drills in groups of less than ten. Sports skills practice includes, but is not limited to, activities such as shooting a basketball, dribbling a soccer ball, family members throwing a ball, or similar activities, and summer camps and youth sports, if conducted in conformance with Emergency Order 23-20, as amended, and the Moving to A New Normal Handbook incorporated into that order.
- To ensure that social distancing is maintained and to ensure access to facilities by patrons, parks staff may limit the number of persons using trails, paths, fields, or courts, and may limit the time any person spends on such trail, path, field, or court.
- Organized or competitive play on courts and fields is prohibited, except singles tennis and racquetball play may be allowed. In addition, competitive doubles play may be allowed in conformance with the Moving To A New Normal Handbook.
- All passive uses of parks are allowed if social distancing is maintained, provided however, that table games, picnics, and parties are prohibited.
- Park trails and walkways shall be one-way flow only, except where the existing configurations does not allow such flow. Where designated for one-way flow, persons shall only move in the designated direction.
- Facial coverings shall be worn, except children under the age of 2, persons who have trouble breathing due to a chronic pre-existing condition, or persons engaged in strenuous physical activity.
- An attendant shall be provided for each restroom. Restrooms shall be cleaned no less than once every two hours with CDC approved products. Restroom use shall be one person or one family at a time.
- Vehicle parking capacity in parks shall be reduced by no less than 25 percent.

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- Sports field lighting shall remain off.
 - Dog parks may be open>>.<<, ~~[[provided however, that dogs shall remain leashed in all areas of the park.]]~~
 - Use of the following amenities is prohibited:
 - playgrounds and exercise equipment;
 - Picnic shelters;
 - splashpads; and
 - mechanical attractions.
- B. The provisions of this order shall serve as minimum standards. Municipalities may impose more stringent standards within their jurisdictions.
- C. All other provisions of Emergency Order 21-20, as amended, remain in full force and effect.
- D. This Amendment shall be effective as of 12:01 a.m. on August 6, 2020.
- E. 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: 8/5/2020

Time: 21:06

Witness: Raouls P. Jimenez

Miami-Dade County Declaration of Local State of Emergency

Cancelled:

Signed: _____

COUNTY MAYOR

Date: _____ Time: ____:____

Witness: _____