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CITY OF MIAMI BEACH
DECLARATION OF A STATE OF EMERGENCY

EXTENDED THROUGH 11:59 P.M. ON DECEMBER 9, 2020

WHEREAS, coronavirus disease 2019 ("COVID-19"), a severe acute respiratory illness caused by the SARS-CoV-2 virus that can spread rapidly from person to person and cause serious illness or death, constitutes a clear and present threat to the lives, health, welfare and safety of the people of the City of Miami Beach; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency for the State of Florida related to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the rapidly spreading coronavirus outbreak a pandemic; and

WHEREAS, on March 12, 2020, Miami-Dade County Mayor Carlos Gimenez declared a State of Emergency for all of Miami-Dade County due to the threats associated with COVID-19; and

WHEREAS, on March 12, 2020, I, as City Manager for the City of Miami Beach, declared a State of Emergency for the City of Miami Beach, as COVID-19 poses a health risk to the City's residents, particularly elderly residents and those who are immunosuppressed or otherwise have high risk of medical conditions, which declaration was amended on March 13, 2020, and the findings of which are hereby incorporated by reference; and

WHEREAS, on March 13, 2020, the Mayor and City Commission of the City of Miami Beach unanimously adopted Resolution No. 2020-31192, authorizing the City Manager to extend the duration of the Declaration of a State of Emergency and implement discretionary emergency measures for an additional period of seven (7) days, commencing on March 12, 2020, and ending on March 19, 2020, to address the COVID-19 pandemic and protect the public health, safety and welfare of the people of the City of Miami Beach, the findings of which are hereby incorporated by reference; and

WHEREAS, on March 13, 2020, President Trump declared a national emergency due to COVID-19; and

WHEREAS, on March 18, 2020, the Mayor and City Commission unanimously adopted Resolution No. 2020-31219, authorizing the City Manager to extend the duration of the Declaration of a State of Emergency and implement discretionary emergency measures for an additional period of seven (7) days, commencing on March 19, 2020, and ending on March 26, 2020, to address the COVID-19 pandemic and protect the public

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health, safety and welfare of the people of the City of Miami Beach, the findings of which are hereby incorporated by reference; and

WHEREAS, the rate of infection throughout the world and in the United States has accelerated rapidly, with more than 64,413,997 confirmed cases worldwide as of December 2, 2020; and

WHEREAS, as the result of the rapid and exponential spread of COVID-19, countries such as Spain, Italy, India, Czech Republic, France, Jordan, and the United Kingdom have imposed strict measures limiting travel, and ordering citizens to stay at home to avoid or minimize the community spread of COVID-19; and

WHEREAS, a record-high 98,691 of Covid-19 patients were currently hospitalized in the US as of December 1, 2020, according to the Covid Tracking Project.

WHEREAS, as of December 2, 2020, the United States has recorded over 14,131,866 confirmed cases, with more than 277,396 deaths; and

WHEREAS, according to John Hopkins School of Medicine, Miami-Dade is presently the county with the 2nd most confirmed COVID-19 cases in the United States; and

WHEREAS, on July 12, 2020, the Florida Department of Health ("FDOH") reported 15,300 additional cases in Florida, shattering both state and national records for daily new cases reported since the start of the pandemic; and

WHEREAS, on July 29, 2020, FDOH reported 216 Florida resident deaths, setting a fatality record in the state since the beginning of the pandemic; and

WHEREAS, on July 24, 2020, Miami-Dade reported 3,362 new cases of COVID-19, its highest single-day case increases since the start of the pandemic; and

WHEREAS, as of December 2, 2020, the FDOH lists 991,910 positive cases of COVID-19 among Florida residents, and 18,679 deaths, with South Florida being a "hotspot" for these infections – with 108,325 confirmed cases in Broward County, 65,936 confirmed cases in Palm Beach County, and 231,761 confirmed cases in Miami-Dade County; and

WHEREAS, as of December 2, 2020, 3,839 individuals in Miami-Dade County have died due to complications from COVID-19, the highest total in the state; and

WHEREAS, health experts urge people to practice extreme social distancing in order to "flatten the curve," which refers to the use of protective practices to slow the rate

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of COVID-19 infection, so that hospitals have sufficient room, supplies, and medical personnel for all of the patients who may need care due to COVID-19; and

WHEREAS, the failure to "flatten the curve" at the early onset of the COVID-19 pandemic in Italy has filled many hospitals in Italy beyond their capacity, forcing emergency rooms to close their doors to new patients, allocate ventilators and ICU beds to patients with highest chances of survival, hire hundreds of new doctors and healthcare personnel, and request emergency supplies of basic medical equipment, like respirator masks, from abroad; and

WHEREAS, Dr. Anthony S. Fauci, the Director of the National Institute of Allergy and Infectious Diseases and the United States government's top infectious disease expert, has warned that COVID-19 could kill up to 200,000 Americans, despite social distancing measures already taken across the country; and

WHEREAS, COVID-19 continues to impact first responders on a global and national scale – in Italy, 8,358 health workers have tested positive for coronavirus, according to the Italian National Institute of Health, and over 60 doctors who were infected with the coronavirus have died; and

WHEREAS, as Spain overtook China on March 30, 2020, in the number of confirmed coronavirus infections, the pandemic stretched Spanish hospitals to their breaking points – at least six of Spain's 17 regions had reached their limit of ICU beds and three more regions were approaching it, according to Spanish authorities; and

WHEREAS, the COVID-19 outbreak has already overwhelmed some United States hospitals in areas with the highest infection rates, leading the U.S. military to prepare to deploy field hospitals in New York and Seattle, send military hospital ships to Los Angeles and New York City, and task the Army Corps of Engineers to convert hotels and dormitories into treatment facilities for sick patients; and

WHEREAS, the USNS Comfort, a Navy hospital ship equipped with 1,000 beds and 12 operating rooms, arrived in New York City on March 30, 2020, as the United States Government seeks to ease the strain on area hospitals reeling from the coronavirus pandemic; and

WHEREAS, the spread of COVID-19 via travel, including business and leisure travel, presents unique challenges to a resort community like Miami Beach, as attracting visitors and tourists is utterly incompatible with social distancing efforts; and

WHEREAS, in spite of warnings from City, County, State, and Federal governmental agencies, including the Centers for Disease Control and Prevention (the "CDC"), thousands of students and other persons congregated in Miami Beach for "Spring Break" and other social activities, and congregated in and around parks, beaches, hotels, restaurants, bars, nightclubs, and other places of public assemblage, without observing

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the social distancing guidelines recommended by the CDC, thus increasing the risk of transmission; and

WHEREAS, as of April 2, 2020, at least four Miami Beach police officers, one of which was assigned to patrol the Ocean Drive area during a peak "Spring Break" period, have contracted COVID-19; and

WHEREAS, there is reason to believe that COVID-19 may be spread amongst the population by various means of exposure, including the propensity to spread person-to-person and the propensity to attach to surfaces for prolonged periods of time, thereby spreading from surface to person and causing property loss and damage in certain circumstances; and

WHEREAS, the media has reported that two religious leaders in the Surfside/Bal Harbour area have contracted COVID-19, and accordingly, continued gatherings in places of public assemblage, such as religious institutions, pose a risk to the health, safety and welfare of the people of the City of Miami Beach; and

WHEREAS, since Miami-Dade County's initial declaration of a State of Emergency, Miami-Dade County has issued various Emergency Orders temporarily closing public and private facilities, including the temporary closure of all non-essential retail and commercial establishments within Miami-Dade County (as such term is defined in Miami-Dade County's Emergency Orders), subject to any further restrictions as may be ordered by municipalities within their jurisdictions; and

WHEREAS, in response to the threat posed by COVID-19 to the health, safety and welfare of the City's residents, since March 12, 2020, I, as City Manager of the City of Miami Beach, have imposed a number of temporary emergency measures to limit the inflow of leisure guests to the City and require the closure of, and limit crowds in, public facilities, public property, and places of public assemblage (including, without limitation, hotels, restaurants, bars, nightclubs, concert halls, entertainment venues, movie theaters, and houses of worship), as well as other restrictions on travel and gatherings of any number of people, including imposition of a general curfew throughout the City, in order to reduce community spread, relieve pressure on hospitals and healthcare personnel, protect workers, and maintain social order; and

WHEREAS, many countries have enacted travel restrictions in response to the spread of COVID-19, including the United States, which issued a Level 4 "Do Not Travel" global health advisory, advising U.S. citizens to avoid all international travel due to the global impact of COVID-19; and

WHEREAS, in an effort to further implement social distancing practices to curb the spread of COVID-19, on March 23, 2020, I, as City Manager, issued a "Safer at Home" Emergency Order, requiring all persons living in the City to remain in their homes to the maximum extent possible, except to engage in essential activities as set forth in the Order; and

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WHEREAS, other cities in Miami-Dade County, including Miami, Hialeah, Coral Gables, Surfside, North Bay Village, Golden Beach, Aventura, Bay Harbor Islands, and Doral have also issued similar orders for residents; and

WHEREAS, however, domestic air travel remains unrestricted and Florida continues to receive guests and visitors from high risk areas, such as visitors from New York seeking shelter in Florida, potentially further compounding the public health emergency and straining resources for local governments in Florida; and

WHEREAS, on March 23, 2020, Florida Governor Ron DeSantis issued Executive Order No. 20-80, requiring visitors entering the State of Florida through airports from New York, New Jersey, and Connecticut to isolate or quarantine for a period of 14 days following their arrival in Florida, in an effort to stop the spread of COVID-19; and

WHEREAS, subsequently, on March 27, 2020, Governor DeSantis issued Executive Order 20-86, requiring visitors entering the State of Florida from Louisiana to isolate or quarantine for a period of 14 days following their arrival in Florida; and

WHEREAS, on March 27, 2020, Governor DeSantis also issued an executive order suspending operations of all vacation rentals in Florida and prohibiting them from making new reservations or bookings and accepting new guests for check-in for the duration of the order; and

WHEREAS, on March 27, 2020, the United States Congress approved the largest economic relief package in U.S. history, allocating $2 trillion to provide immediate assistance to individual Americans, small businesses, and major industries on the brink of economic collapse amid the ongoing pandemic; and

WHEREAS, on March 29, 2020, in recognition that extreme social distancing measures are critical to containment of the pandemic, President Trump extended federal social distancing guidelines through April 30, 2020 recommending that all Americans must continue to avoid nonessential travel, going to work, eating at bars and restaurants, or gathering in groups of more than 10; and

WHEREAS, on March 30, 2020, Governor DeSantis issued an executive order directing Miami-Dade County, Broward County, Palm Beach County, and Monroe County (which together account for over sixty (60) percent of Florida's identified COVID-19 cases), to restrict public access to businesses and facilities deemed non-essential pursuant to the guidelines established by Miami-Dade County pursuant to its March 19, 2020 Emergency Order 07-20, as amended; and

WHEREAS, on March 31, 2020, Governor DeSantis issued a stay-at-home order for Miami-Dade County, Broward County, Palm Beach County, and Monroe County; and

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WHEREAS, on April 3, 2020, the CDC announced national guidelines recommending that all persons use non-medical grade masks when engaging in any activities outside the home; and

WHEREAS, on April 3, 2020, I, as the City Manager, issued an Emergency Order requiring all employees and customers of grocery stores, pharmacies and restaurant facilities to wear a form of covering over their nose and mouth at all times when inside these establishments, and strongly encouraging the use of such coverings in all other essential retail and commercial businesses; and

WHEREAS, in order to create additional capacity in hospitals, the State of Florida has determined that there is an urgent need to construct, rehabilitate and install treatment facilities to house and treat those residents and visitors of the State who are suffering from COVID-19 and non-COVID-19 illnesses; and

WHEREAS, on Wednesday, April 8, 2020, City of Miami Beach Mayor Dan Gelber, along with Governor DeSantis, Miami-Dade County Mayor Carlos Gimenez and Lt. Gen. Todd T. Semonite, Commanding General of the United States Army Corps of Engineers announced an initiative to repurpose the Miami Beach Convention Center as a temporary medical facility for COVID-19 patients, which will initially include up to 450 beds, with capacity for additional beds if necessary; and

WHEREAS, on April 16, 2020, I, as the City Manager, issued an Emergency Order, effective April 17, 2020, requiring ALL employees and customers of essential retail and commercial businesses to wear a form of covering over their nose and mouth at all times while inside the businesses; and

WHEREAS, pursuant to Sections 26-31 and 26-33 of the City Code and Chapter 252 of the Florida Statutes, I, as City Manager of the City of Miami Beach, am authorized to declare a state of emergency and order and promulgate discretionary emergency measures, with such limitations and conditions as the City Manager may deem appropriate; and

WHEREAS, pursuant to City Code Section 26-35, the duration of such Declaration of a State of Emergency (and any such discretionary emergency measures implemented pursuant thereto) is limited to a period of 72 consecutive hours, unless an extension is authorized by the City Commission by duly enacted resolution in a regular or special session of the City Commission; and

WHEREAS, Section 252.38, Florida Statutes, provides that the duration of each State of Emergency declared locally is limited to a period of seven (7) days; however, Section 252.38 also provides that such local State of Emergency may be extended, as necessary, in 7-day increments; and

WHEREAS, in Resolution No. 2020-31219, the Mayor and City Commission

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further authorized the City Manager to continue to extend the Declaration of a State of Emergency in the City of Miami Beach, for four (4) additional 7-day increments, which would commence on March 26, 2020, and end on April 23, 2020; and

WHEREAS, on March 26, 2020, and pursuant to Resolution No. 2020-31219, I extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on March 27, 2020, and ending on April 2, 2020; and

WHEREAS, on April 2, 2020, and pursuant to Resolution No. 2020-31219, I extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on April 3, 2020, and ending on April 9, 2020; and

WHEREAS, on April 9, 2020, and pursuant to Resolution No. 2020-31219, I extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on April 10, 2020, and ending on April 16, 2020; and

WHEREAS, on April 16, 2020, and pursuant to Resolution No. 2020-31219, I extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on April 17, 2020, and ending on April 23, 2020; and

WHEREAS, on April 22, 2020, the Mayor and City Commission unanimously adopted Resolution No. 2020-31245, authorizing the City Manager to extend the duration of the Declaration of a State of Emergency and implement discretionary emergency measures for an additional period of seven (7) days, commencing on April 24, 2020, and ending on April 30, 2020, to address the COVID-19 pandemic and protect the public health, safety and welfare of the people of the City of Miami Beach, the findings of which are hereby incorporated by reference; and

WHEREAS, Resolution No. 2020-31245 further authorized the City Manager to extend the Declaration of a State of Emergency in the City of Miami Beach, on April 30, 2020, for one additional 7-day increment, which would commence on May 1, 2020, and end on May 7, 2020; and

WHEREAS, on April 23, 2020, and pursuant to Resolution No. 2020-31245, I extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on April 24, 2020, and ending on April 30, 2020; and

WHEREAS, on April 29, 2020, Governor DeSantis issued Emergency Order 20-112, which, in pertinent part, permits certain businesses required to close pursuant to previous executive orders to reopen (subject to certain restrictions), effective May 4, 2020; and

WHEREAS, in recognition of widespread transmission of COVID-19 in South Florida, and the need to continue emergency measures in South Florida, Executive Order 20-112 exempts Miami-Dade, Broward, and Palm Beach counties from the reopening

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provisions of the Order, providing that "allowances for services and activities from . . . this order will be considered in consultation with local leadership"; and

WHEREAS, on April 30, 2020, and pursuant to Resolution No. 2020-31245, I extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on May 1, 2020, and ending on May 7, 2020; and

WHEREAS, on May 1, 2020, the Mayor and City Commission adopted Resolution No. 2020-31246, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 8, 2020 and ending on May 14, 2020;

WHEREAS, on May 7, 2020, and pursuant to Resolution No. 2020-31246, I extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 8, 2020 and ending on May 14, 2020; and

WHEREAS, on May 13, 2020, the Mayor and City Commission adopted Resolution No. 2020-31273, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 15, 2020 and ending on May 21, 2020, and further authorizing the City Manager to extend the Declaration of a State of Emergency by one (1) additional day, commencing at 12:00 a.m. on May 22, 2020, and ending at 11:59 p.m. on May 22, 2020; and

WHEREAS, on May 14, 2020, and pursuant to Resolution No. 2020-31273, I extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 15, 2020 and ending on May 21, 2020; and

WHEREAS, on May 15, 2020, Miami-Dade County Mayor Carlos Gimenez issued Emergency Order 23-20, effective May 18, 2020, permitting certain retail and commercial establishments and other establishments or facilities in Miami-Dade County to reopen, subject to strict compliance with social distancing guidelines issued by the County, including detailed activity-specific requirements in the County's "Moving to a New Normal Handbook" ("County EO 23-20"); and

WHEREAS, as a condition of reopening, County EO 23-20 requires that each establishment "consent[] to the entry of County personnel onto the establishment's property for the sole purpose of inspection for compliance with [the] order"; and

WHEREAS, the provisions of County EO 23-20 serve as minimum standards, and municipalities may impose more stringent standards within their jurisdictions; and

WHEREAS, on May 16, 2020, I, as City Manager, issued the City's Phase 1 Reopening Order which, in pertinent part, required that any business permitted to reopen (i) comply with the requirements of County EO 23-20; (ii) consent to the entry of City personnel onto the establishment's property for the sole purpose of inspection for

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compliance with the City's Order; and (iii) comply with the additional requirements in the City's Order; and

WHEREAS, on May 21, 2020, and pursuant to Resolution No. 2020-31273, I extended the Declaration of a State of Emergency for one (1) additional day, commencing at 12:00 a.m. on May 22, 2020, and ending at 11:59 p.m. on May 22, 2020; and

WHEREAS, on May 22, 2020, the Mayor and City Commission adopted Resolution No. 2020-31280, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 23, 2020, and ending on May 29, 2020; and

WHEREAS, on May 22, 2020, and pursuant to Resolution No. 2020-31280, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on May 23, 2020, and ending at 11:59 p.m. on May 29, 2020; and

WHEREAS, on May 28, 2020, the Mayor and City Commission adopted Resolution No. 2020-31282, authorizing the City Manager to extend the Declaration of a State of Emergency for additional seven (7) days, commencing on May 30, 2020, and ending on June 5, 2020; and.

WHEREAS, on May 29, 2020, and pursuant to Resolution No. 2020-31282, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on May 30, 2020, and ending at 11:59 p.m. on June 5, 2020; and

WHEREAS, on May 29, 2020, I, as City Manager, issued the City's Phase 2 Reopening Order, which, in pertinent part, requires that any business permitted to reopen (i) comply with the requirements of County EO 23-20; (ii) consent to the entry of City personnel onto the establishment's property for the sole purpose of inspection for compliance with the City's Order; and (iii) comply with the additional requirements in the City's Order; and

WHEREAS, on June 5, 2020, the Mayor and City Commission adopted Resolution No. 2020-31284, authorizing the City Manager to extend the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on June 6, 2020, and ending at 11:59 p.m. on June 12, 2020; and

WHEREAS, on June 5, 2020, and pursuant to Resolution No. 2020-31284, I extended the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on June 6, 2020, and ending at 11:59 p.m. on June 12, 2020; and

WHEREAS, on June 12, 2020, the Mayor and City Commission adopted

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Resolution No. 2020-31287, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on June 13, 2020 and ending at 11:59 p.m. on June 19, 2020, and further authorizing the City Manager to extend the Declaration of a State of Emergency for an additional period of five (5) days, commencing at 12:00 a.m. on June 20, 2020, and ending at 11:59 p.m. on June 24, 2020; and

WHEREAS, on June 12, 2020, and pursuant to Resolution No. 2020-31287, I extended the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on June 13, 2020, and ending at 11:59 p.m. on June 19, 2020; and

WHEREAS, on June 19, 2020, and pursuant to Resolution No. 2020-31287, I extended the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on June 20, 2020, and ending at 11:59 p.m. on June 24, 2020; and

WHEREAS, on June 24, 2020, the Mayor and City Commission adopted Resolution No. 2020-31308, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on June 25, 2020 and ending at 11:59 p.m. on July 1, 2020, and further authorizing the City Manager to continue to extend the Declaration of a State of Emergency for two (2) additional 7-day increments, and an additional two (2) day increment, which would commence at 12:00 a.m. on July 2, 2020, and end at 11:59 p.m. on July 17, 2020; and

WHEREAS, on June 24, 2020, and pursuant to Resolution No. 2020-31308, I extended the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on June 25, 2020, and ending at 11:59 p.m. on July 1, 2020; and

WHEREAS, on July 1, 2020, and pursuant to Resolution No. 2020-31308, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on July 2, 2020, and ending at 11:59 p.m. on July 8, 2020; and

WHEREAS, on July 8, 2020, and pursuant to Resolution No. 2020-31308, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on July 9, 2020, and ending at 11:59 p.m. on July 15, 2020; and

WHEREAS, on July 15, 2020, and pursuant to Resolution No. 2020-31308, I extended the Declaration of a State of Emergency for additional two (2) days, commencing at 12:00 a.m. on July 16, 2020, and ending at 11:59 p.m. on July 17, 2020; and

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WHEREAS, on July 17, 2020, the Mayor and City Commission adopted Resolution No. 2020-31312, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on July 18, 2020 and ending at 11:59 p.m. on July 24, 2020, and further authorizing the City Manager to continue to extend the Declaration of a State of Emergency for an additional five (5) day increment, which would commence at 12:00 a.m. on July 25, 2020, and end at 11:59 p.m. on July 29, 2020; and

WHEREAS, on July 17, 2020, and pursuant to Resolution No. 2020-31312, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on July 18, 2020, and ending at 11:59 p.m. on July 24, 2020; and

WHEREAS, on July 24, 2020, and pursuant to Resolution No. 2020-31312, I extended the Declaration of a State of Emergency for additional five (5) days, commencing at 12:00 a.m. on July 15, 2020, and ending at 11:59 p.m. on July 29, 2020; and

WHEREAS, on July 29, 2020, the Mayor and City Commission adopted Resolution No. 2020-31372, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on July 30, 2020 and ending at 11:59 p.m. on August 5, 2020, and further authorizing the City Manager to continue to extend the Declaration of a State of Emergency for six (6) additional 7-day increments, which would commence at 12:00 a.m. on August 6, 2020, and end at 11:59 p.m. on September 16, 2020; and

WHEREAS, on July 29, 2020, and pursuant to Resolution No. 2020-31372, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on July 30, 2020, and ending at 11:59 p.m. on August 5, 2020; and

WHEREAS, on August 5, 2020, and pursuant to Resolution No. 2020-31372, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on August 6, 2020, and ending at 11:59 p.m. on August 12, 2020; and

WHEREAS, on August 12, 2020, and pursuant to Resolution No. 2020-31372, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on August 13, 2020, and ending at 11:59 p.m. on August 19, 2020; and

WHEREAS, on August 19, 2020, and pursuant to Resolution No. 2020-31372, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on August 20, 2020, and ending at 11:59 p.m. on August 26, 2020; and

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WHEREAS, on August 26, 2020, and pursuant to Resolution No. 2020-31372, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on August 27, 2020, and ending at 11:59 p.m. on September 2, 2020; and

WHEREAS, on September 2, 2020, and pursuant to Resolution No. 2020-31372, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on September 3, 2020, and ending at 11:59 p.m. on September 9, 2020; and

WHEREAS, on September 9, 2020, and pursuant to Resolution No. 2020-31372, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on September 10, 2020, and ending at 11:59 p.m. on September 16, 2020; and

WHEREAS, on September 16, 2020, the Mayor and City Commission adopted Resolution No. 2020-31424, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on September 17, 2020 and ending at 11:59 p.m. on September 23, 2020, and further authorizing the City Manager to continue to extend the Declaration of a State of Emergency for three (3) additional 7-day increments, which would commence at 12:00 a.m. on September 24, 2020, and end at 11:59 p.m. on October 14, 2020; and

WHEREAS, on September 16, 2020, and pursuant to Resolution No. 2020-31424, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on September 17, 2020, and ending at 11:59 p.m. on September 23, 2020; and

WHEREAS, on September 23, 2020, and pursuant to Resolution No. 2020-31424, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on September 24, 2020, and ending at 11:59 p.m. on September 30, 2020; and

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

WHEREAS, Executive Order 20-244 moved 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, on September 26, 2020, Miami-Dade County Mayor Gimenez issued

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EO 30-20, revising existing County EOs 1-20, 16-20, and 28-20, in keeping with the Governor's Order 20-244 while maintaining elements of the County's orders that protect the residents of Miami-Dade County during the COVID-19 pandemic; and

WHEREAS, on September 28, 2020, I, the City Manager, issued the City's Phase 3 Opening Order, keeping with the Governor's Order 20-244 and the County's EO 30-20; and

WHEREAS, on September 30, 2020, and pursuant to Resolution No. 2020-31424, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on October 1, 2020, and ending at 11:59 p.m. on October 7, 2020; and

WHEREAS, on October 7, 2020, and pursuant to Resolution No. 2020-31424, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on October 8, 2020, and ending at 11:59 p.m. on October 14, 2020; and

WHEREAS, on October 14, 2020, the Mayor and City Commission adopted Resolution No. 2020-31463, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on October 15, 2020 and ending at 11:59 p.m. on October 21, 2020, and further authorizing the City Manager to continue to extend the Declaration of a State of Emergency for four (4) additional 7-day increments, which would commence at 12:00 a.m. on October 22, 2020, and end at 11:59 p.m. on November 18, 2020; and

WHEREAS, on October 14, 2020, and pursuant to Resolution No. 2020-31463, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on October 15, 2020, and ending at 11:59 p.m. on October 21, 2020; and

WHEREAS, on October 21, 2020, and pursuant to Resolution No. 2020-31463, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on October 12, 2020, and ending at 11:59 p.m. on October 28, 2020; and

WHEREAS, on October 28, 2020, and pursuant to Resolution No. 2020-31463, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on October 29, 2020, and ending at 11:59 p.m. on November 4, 2020; and

WHEREAS, Executive Order 20-69, which was issued by Governor DeSantis on March 20, 2020 suspending any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place, and (permitting local government bodies to utilize communications media technology such as

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telephonic and video conferencing, was set to expire on November 1, 2020; and

WHEREAS, on October 28, 2020, the Mayor and City Commission adopted Resolution No. 2020-31474, making certain legislative findings concerning the COVID-19 public health emergency, and adopting a policy for attendance at public meetings. Specifically, the Resolution provides as follows:

(1) The City's advisory boards and commtitees, as well as the City's Charter Officers (City Manager, City Attorney, City Clerk, and Inspector General) and their staff, shall continue to meet virtually;

(2) Commencing November 1, 2020, the City Commission and Land Use Boards shall maintain a physically-present quorum at meetings requiring action, with remaining City Commissioners and Land Use Board members who are not physically present to participate virtually, due to the extraordinary circumstances presented by the current public health emergency;

(3) Any applicable requirements within the City Charter, Code of Ordinances, Resolutions, or other City policy that may require the physical presence of quorum/board members or Charter officers/staff at public meetings are hereby waived; and

(4) All virtual meetings/participation shall continue to be compliant with the Florida Constitution and Florida's Government in the Sunshine Law, at Chapter 286, Florida Statutes; and

WHEREAS, on November 4, 2020, and pursuant to Resolution No. 2020-31463, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on November 5, 2020, and ending at 11:59 p.m. on November 11, 2020; and

WHEREAS, on November 10, 2020, and pursuant to Resolution No. 2020-31463, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on November 12, 2020, and ending at 11:59 p.m. on November 18, 2020; and

WHEREAS, on November 18, 2020, the Mayor and City Commission adopted Resolution No. 2020-31506, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on November 19, 2020 and ending at 11:59 p.m. on November 25, 2020, and further authorizing the City Manager to continue to extend the Declaration of a State of Emergency for two (2) additional 7-day increments, which would commence at 12:00 a.m. on November 26, 2020, and end at 11:59 p.m. on December 9, 2020; and

WHEREAS, on November 18, 2020, and pursuant to Resolution No. 2020-31506,

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I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on November 19, 2020, and ending at 11:59 p.m. on November 25, 2020; and

WHEREAS, on November 25, 2020, and pursuant to Resolution No. 2020-31506, I extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on November 26, 2020, and ending at 11:59 p.m. on December 2, 2020.

NOW, THEREFORE, I, JIMMY L. MORALES, as City Manager for the City of Miami Beach, Florida, pursuant to the authority vested in me under Section 26-31 of the City of Miami Beach Code of Laws and Ordinances (the "City Code"), have determined that there is reason to believe that there exists a clear and present danger of a riot or other general public disorder, widespread disobedience of the law, and substantial injury to persons or to property, all of which constitute an imminent threat to public peace or order, and to the general welfare of the City of Miami Beach, based upon the COVID-19 pandemic. I further find that it is necessary to continue to take immediate action to control and reduce threats associated with the COVID-19, to protect the public health, safety and welfare of the people of the City of Miami Beach.

BASED ON THE FOREGOING, I HEREBY extend the Declaration of a State of Emergency in the City of Miami Beach to address the COVID-19 pandemic, and extend the Emergency Measures ordered and promulgated pursuant to such Declaration, as may be further amended, for an additional seven (7) day period, commencing at 12:00 a.m. on December 3, 2020, and ending at 11:59 p.m. on December 9, 2020, unless extended by the Miami Beach City Commission by duly enacted Resolution in regular or special session.

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Any violation of the provisions of this Order may subject an operator, business entity, or organization to the closure of the operation, business, or establishment for a period of at least 24 hours, or through the duration of the State of Emergency.

CITY OF MIAMI BEACH, FLORIDA

DocuSigned by:
Jimmy Morales
28CA18194070496...

Jimmy L. Morales, City Manager
12/2/2020 | 12:34 PM EST

ATTEST:

Date:_____

Time:_____

Rafael E. Granado, City Clerk 12/02/2020

MIAMI BEACH INCORPORATED MARCH 26TH 1915