
**AMENDED PHASE 3 OPENING ORDER
AND
EMERGENCY MEASURES
TO BE IMPLEMENTED BY CITY OF MIAMI BEACH
(Revised on December 21, 2020)**

EFFECTIVE DECEMBER 22, 2020 AT 12:01 A.M.

As City Manager for the City of Miami Beach, Florida, and 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"), as well as that certain City of Miami Beach Declaration of a State of Emergency, dated March 12, 2020, as extended through December 23, 2020, I hereby **ORDER** the following emergency measures in response to this State of Emergency (the "Order"):

A. PHASE 3 OPENING

- a. Every retail and commercial establishment within the City of Miami Beach is permitted to reopen pursuant to Governor DeSantis' Executive Order 2020-244, any Miami-Dade County Emergency Order, including Miami-Dade County Emergency Order ("County EO") 30-20, as may be amended, provided that each such establishment complies with the following requirements at all times:
 - (i) complies with the requirements of any applicable County Emergency Order, including County EO 30-20, and the "Moving To a New Normal Handbook," (the "Handbook"), attached as Exhibit A to County EO 30-20, as amended, a copy of which is attached and incorporated herein as Exhibit 1;
 - (ii) the facial covering requirements in County EO 20-20, as amended.
 - (iii) complies with the additional requirements set forth in this Order.
- b. In the event that an establishment is not in compliance with (i) – (iii) above, the establishment shall immediately close until it has addressed its compliance issue(s). Before reopening, in addition to the requirements set forth in County EO 30-20, as amended, the owner or authorized agent of the establishment must comply with all of the following conditions:
 - (i) Review this order, and take all necessary measures to come into compliance with the requirements of this order;

- (ii) Execute the attestation attached hereto as Exhibit 2 demonstrating that the review has been completed and the required measures have been taken; and
- (iii) Submit the executed attestation by email to hernancardeno@miamibeachfl.gov or by mail to Hernan Cardeno, Code Compliance Department, 1680 Meridian Avenue, Suite 602, FL 33139.

1. Restaurants and Other Food Service Establishments

- a. Restaurants and other food service establishments that reopen for service at sidewalk cafés are strongly encouraged to accept guests by reservation only, and to utilize a paging system to limit the congregation of patrons.
- b. Except as provided in this Order, restaurants and other food service establishments must comply with the requirements of any applicable County Emergency Order, including County EO 30-20, as may be amended, and the Handbook attached as Exhibit A to County EO 30-20, as amended, a copy of which is attached and incorporated herein as Exhibit 1.
- c. All restaurants and food service establishments shall close for on-premises dining between the start of the curfew at 12:00 a.m. and 6:00 a.m. the next morning, as determined in County EO 27-20, as amended. Notwithstanding the foregoing, between the hours of 12:00 a.m. and 6:00 a.m., such establishments may operate their kitchens strictly for the purpose of providing **DELIVERY AND DRIVE-THROUGH SERVICES ONLY**. Take-out, pick-up, or curbside pick-up shall be expressly prohibited between 11:00 p.m. and 6:00 a.m. each day. Employees, janitorial personnel, contractors, and delivery personnel shall be allowed access to such establishments. Ambient level music shall be permitted, however, the volume shall not exceed the level of a normal conversation. Live entertainment shall be permitted, however, live performers must be separated by a distance of at least ten (10) feet from all audience members and audience members must observe such performances from tables or stationary seats. The volume of such live entertainment shall not exceed the level of a normal conversation.

2. Package Liquor Stores and Other Retail Stores Selling Alcoholic Beverages for Off-Premises Consumption

All retail stores, including package liquor stores, grocery stores, convenience stores, and gasoline service/filling stations, which offer for sale any alcoholic beverage(s), (including, but not limited to, liquor, beer, or wine) for off-premises consumption are permitted to

resume sales of alcoholic beverages pursuant to those times delineated in Section 6-3 of the Code of Laws and Ordinances of the City of Miami Beach.

Notwithstanding the foregoing, package liquor stores and other retail stores selling alcoholic beverages for off-premises consumption must still adhere to the curfew established throughout Miami-Dade County pursuant to County EO 27-20, as amended. Such curfew will be in effect daily from 12:00 a.m. to 6:00 a.m.

3. Short-term rentals

Short-term rentals and vacation rentals are permitted as provided in County EO 30-20, as may be amended.

Notwithstanding County EO 30-20 or any other emergency order to the contrary, the maximum daytime and overnight occupancy for short-term rentals and vacation rentals shall be limited to a maximum of two persons per bedroom plus two additional persons per rental unit not to exceed a maximum of four persons, unless it is a single family group staying together, in which case not to exceed six persons per rental unit.

4. Swimming pools

- a. Swimming pools and hot tubs (including community pools, and swimming pools and hot tubs located within hotels, condominium buildings, apartment buildings, and homeowner associations) may **REOPEN** effective **June 1, 2020**, pursuant County EO 24-20, and the requirements set forth in the Handbook attached hereto as Exhibit 1.
- b. Swimming pools and hot tubs (including swimming pools and hot tubs located within hotels, condominium buildings, apartment buildings, and homeowner associations) may, at the discretion of property managers or condo/homeowner associations, **REOPEN** effective June 1, 2020, to the extent permitted under any applicable County emergency order, including the requirements set forth in the Handbook attached hereto as Exhibit 1. Property managers and condo/homeowner associations shall be encouraged to maintain a written plan to ensure compliance with applicable requirements in the Handbook (Exhibit 1 hereto).

5. Testing

All establishments shall be encouraged to require employees to undergo COVID-19 testing (i) prior to returning to work, and (ii) on a regular basis thereafter. In addition, establishments shall be encouraged to refer employees for testing and

contact tracing if they are symptomatic or if they have had contact with an individual who has tested positive for COVID-19.

6. Facial Coverings Required

All persons shall wear a mask or other facial covering when in public, as set forth in County EO 20-20 and 29-20, as amended.

B. BEACHES

1. The City's beaches shall be **OPENED** pursuant and subject to the restrictions in County EO 25-20 and the additional requirements in this Section.
2. Beaches shall be open to the public between the hours of 7:00 a.m. and 8:00 p.m. each day.
3. The use of floats and inflatables shall be **PROHIBITED**.

C. PARKS AND RECREATION AND CULTURAL FACILITIES

1. Except as more specifically set forth in this Order, the City's Parks and Recreation facilities shall be opened subject to the restrictions in County EO 29-20 and 30-20, as amended, and any other applicable State, County, or City Emergency Order.
2. Commencing on October 1, 2020 at 12:01 A.M., playgrounds and other mechanical equipment shall be **OPEN**, so long as all high-touch surfaces are cleaned and disinfected at least daily with CDC-approved cleaners. Facial coverings must be worn and social/physical distancing between people from different households must be maintained.
3. Parks and Recreation facilities will resume regular operating hours. Notwithstanding the foregoing, the City Manager may close any park, beach, or golf course, or otherwise change the operating hours for any City park, beach, or golf course pursuant to Section 82-2 of the City Code
4. All park restrooms shall be subject to the following restrictions: (1) an attendant shall be provided for each restroom; (2) restrooms shall be cleaned no less than once every two hours with CDC approved products; and (3) restroom use shall be limited to one person or one family at a time
5. Additionally, the following facilities shall remain subject to the restrictions specified below:

- a. The football bleachers and baseball stadium at Flamingo Park shall remain closed.
 - b. Notwithstanding the provisions of subsection A(6) of this Emergency Order, all persons engaged in sports activities, including drills, practice, scrimmages and games, shall wear facial coverings consistent with County EO 20-20 and 29-20, as amended. Notwithstanding anything else therein to the contrary, facial coverings shall not be required while actively engaging in an organized sport, playing tennis, or while swimming or otherwise in a pool, ocean, or other body of water,. For purposes of this exemption, organized sport means a sport such as soccer, baseball, basketball, softball, boxing, and other recognized sport that is part of an established athletic league or part of an organized program (municipal or otherwise). The facial covering exemption for organized sports includes training and practice sessions and matches, but prior to commencing and immediately upon concluding a training or practice session or a match, individuals must wear facial coverings. Individuals who are exercising in their personal capacity and not training as part of an organized sport (i.e., participating in a regular fitness class, using gym equipment as part of a workout, including with a personal trainer or coach, or playing a sport for leisure, excepting tennis) do not fall within the definition of "organized sport" and are not exempted from using facial coverings. All persons, except for members of the same household, shall observe social and physical distancing, both within groups and with others. Bleachers shall not be open to spectators where sports team formal competitions and league play is permitted.
6. The City's beachwalks and baywalks shall remain **OPEN**. Facial coverings shall be worn if social distancing (minimum six-foot separation between people) cannot otherwise be achieved, except by 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 or exercise.
 7. Gatherings on the City's beachwalks and baywalks shall be limited to 10 people or fewer.
 8. The Purdy Boat Ramp at Maurice Gibb Park shall be **CLOSED**, except to Miami Beach residents. Temporary docking at the boat ramp shall be **PROHIBITED**.
 9. Monument Island shall remain **CLOSED**.

D. RELIGIOUS INSTITUTIONS AND PLACES OF WORSHIP

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 that necessary to accomplish physical distancing.

E. CDC GUIDANCE FOR RETIREMENT COMMUNITIES AND INDEPENDENT LIVING FACILITIES

Owners, administrators, operators, workers, volunteers, visitors, and residents of retirement communities and independent living facilities (including residential buildings that are age-restricted and/or contain a majority of residents who are over the age of 55 and are fully or partially retired), shall be urged to implement the CDC Guidance, entitled "Preventing the Spread of COVID-19 in Retirement Communities and Independent Living Facilities (Interim Guidance)," and dated March 20, 2020, as may be amended. See <https://www.cdc.gov/coronavirus/2019-ncov/community/retirement/guidance-retirement-response.html>.

F. CHILD CUSTODY/TIME-SHARING ARRANGEMENTS EXPRESSLY PERMITTED

This Emergency Order shall not be construed to prohibit, interfere with, or otherwise limit any child custody order, agreement, or other "time-sharing" arrangement pertaining to the care of any children or other dependents whose parent(s) or guardian(s) live in different households. Nothing herein shall restrict the transportation of children or other dependent pursuant to any such child custody order, agreement, or other "timesharing" arrangement.

G. SAFER AT HOME

1. **All persons living within the City of Miami Beach are strongly encouraged to remain in their homes**, except to (a) travel to retail and commercial establishments or any other establishment or facility permitted to reopen under County EO 30-20 or any other County Emergency Order; (b) engage in outdoor recreational activities; (c) engage in personal support activities (i.e. to care for or support a friend, family member, or pet in another household); or (d) travel to or from a workplace.
2. **Observance of Social Distancing.** As to all activities permitted under this Order, residents and visitors should adhere to social distancing practices, such as maintaining a distance of at least six (6) feet away from others, washing hands with soap and water for at least twenty seconds or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, not shaking hands, and any social distancing requirements set

forth in any City, County, State, or Federal order. Residents and visitors are strongly encouraged to limit all of their travel, except as absolutely necessary. Persons at high risk of severe illness from COVID-19 and people who are sick are strongly encouraged to stay in their residence to the extent possible, except as necessary to seek medical care.

H. PARKING AND STREET CLOSURES

1. Commencing on July 18, 2020 at 12:01 a.m., the entirety of Ocean Drive from 5th Street to 15th Street shall be closed to all vehicular traffic at all times.
2. Commencing on July 18, 2020, at 12:01 a.m., street parking shall be prohibited in the area bounded by 5th Street on the South, 15th Street on the North, Ocean Drive on the East, and Collins Avenue on the West between the hours of 6:00 p.m. and 6:00 a.m. daily.

I. CURFEW

A general curfew has been established throughout Miami-Dade County pursuant to County EO 27-20, as amended. The curfew will be in effect daily from 12:00 a.m. to 6:00 a.m.

Notwithstanding the foregoing or any other provision herein to the contrary, the curfew shall not be in effect from 11:59 p.m., December 24, 2020 through 1:00 a.m., December 25, 2020, and from 11:59 p.m., December 31, 2020 through 1:00 a.m., January 1, 2021, pursuant to Amendment No. 4 to County EO 27-20.

THE EMERGENCY MEASURES THAT HAVE BEEN ORDERED AND PROMULGATED ABOVE SHALL BE EFFECTIVE COMMENCING ON DECEMBER 22, 2020 AT 12:01 A.M., AND SHALL BE EFFECTIVE THROUGH 11:59 P.M. ON DECEMBER 23, 2020, UNLESS EXTENDED BY THE MIAMI BEACH CITY COMMISSION BY DULY ENACTED RESOLUTION IN REGULAR OR SPECIAL SESSION, OR BY THE INTERIM CITY MANAGER PURSUANT TO CITY RESOLUTION NO. 2020-31529.

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.

If any section, subsection, clause, or provision of this Order is held invalid or unenforceable, the remainder of this Order shall not be affected and every other section, subsection, clause, and provision of this Order shall be valid and enforced to the fullest extent permitted by law.

The Emergency Measures set forth herein supersede and replace all prior City of Miami Beach Emergency Measures ordered and promulgated since March 12, 2020.

CITY OF MIAMI BEACH, FLORIDA




Raul J. Aguila, Interim City Manager

Date: 12/21/20

Time: 12:42

ATTEST:

For 

Rafael E. Granado, City Clerk 12/21/2020