



**AMENDED DECLARATION OF THE MAYOR OF  
THE VILLAGE OF BISCAYNE PARK  
EXTENDING THE DECLARATION OF A STATE  
OF EMERGENCY AND REQUIRING FACIAL  
COVERING IN THE VILLAGE OF BISCAYNE  
PARK, FLORIDA**

**WHEREAS**, on December 4, 2012, the Commission of the Village of Biscayne Park passed and adopted Resolution No. 2012-43, adopting the Village's Comprehensive Emergency Management Plan (the "Village CEMP"); and

**WHEREAS**, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza; and

**WHEREAS**, in December of 2019, a new and substantial outbreak of COVID-19 emerged in Wuhan, China, and has since spread rapidly to 150 countries and territories throughout the World, including the United States, and more specifically Miami-Dade County and other counties in the State of Florida; and

**WHEREAS**, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic; and

**WHEREAS**, President Trump issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) has predicted the widespread transmission of COVID-19 will occur in the United States; and

**WHEREAS**, no vaccine or drug is currently available to cure or combat COVID-19; and

**WHEREAS**, the CDC has issued guidelines for "community mitigation strategies" to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19; and

**WHEREAS**, on March 9, 2020, the Governor of Florida issued Executive Order 20-52, declaring a State of Emergency for the State of Florida, including Miami-Dade County, and authorizing the Florida Department of Health to issue a Public Health Emergency as a result of the spread of the dangerous and highly contagious COVID-19 virus (the "Virus"); and

**WHEREAS**, on March 12, 2020 Miami-Dade County Mayor Carlos Gimenez declared a county-wide Local State of Emergency in Miami-Dade County, Florida following the discovery of the Virus; and



## *The Village of Biscayne Park*

600 NE 114<sup>th</sup> St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

**WHEREAS**, on April 6, 2020 the Governor of Florida issued Executive Order Number 20-95 extending Executive Order Number 20-52 until April 30, 2020; and

**WHEREAS**, Section 252.38(2), *Florida Statutes*, requires that each municipal emergency management plan be consistent with and subject to the applicable county emergency management plan; and

**WHEREAS**, the Village CEMP requires the Village's emergency activation be initiated once Miami-Dade County has declared a county-wide state of emergency; and

**WHEREAS**, Section 252.38(3)(a)(5) and Section 252.46, *Florida Statutes*, grants political subdivisions and municipalities of the state the authority to declare a State of Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

**WHEREAS**, the Village CEMP authorizes the Village Mayor to declare a state of emergency within the Village; and

**WHEREAS**, it is the innate responsibility of the governing body of each political subdivision and municipality of the State of Florida to safeguard the health, safety and welfare of its residents; and

**WHEREAS**, pursuant to Sections 252.38 and 252.46, *Florida Statutes*; the Village Charter and the Village CEMP, the Mayor is empowered to take all prudent actions necessary to ensure the health, safety and welfare of the community; and

**WHEREAS**, pursuant to the authority granted by Chapter 252, *Florida Statutes*, and the Village CEMP, on March 16, 2020 the Mayor of the Village of Biscayne Park, Florida, declared a Village-wide State of Emergency which has been extended until May 31, 2020 at 11:59 p.m.; and

**WHEREAS**, the Village Mayor deems it necessary to extend the declaration of a Village-wide State of Emergency for the Village to ensure the health, safety, and welfare of the community.

### **NOW, THEREFORE, IT IS ORDERED:**

1. The existing Village-wide State of Emergency is extended from July 7, 2020 at 12:01 a.m. to August 4, 2020 at 12:00 p.m.
2. There is a curfew from 10:00 p.m. to 5 a.m.



## *The Village of Biscayne Park*

600 NE 114<sup>th</sup> St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

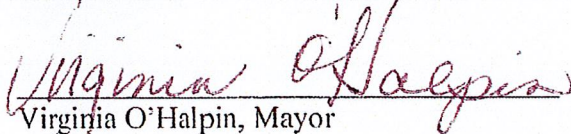
3. All persons throughout the Village shall wear a mask or other facial covering when in public, except as set forth in paragraph (4) below.
4. A mask or other facial covering shall comply with the recommendations of the CDC; as such recommendations may change from time to time. The current CDC guidelines recommend wearing a mask or facial covering which snugly covers the face and mouth, whether store bought or homemade, which is secured with ties or ear loops, include multiple layers of fabric, allow for breathing without restriction, and which is able to be laundered and machine dried without damage or losing shape. Examples of compliant homemade masks and other facial coverings may be found at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>. Persons should not utilize N95 rated masks, as those are critical supplies for health care workers, police, fire, emergency management, or other persons engaged in life/safety activities. Persons wearing facial coverings should review the CDC and Florida Department of Health guidelines regarding safely applying, removing, and cleaning such coverings, which are found at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html>
5. Masks and other facial coverings shall not be required:
  - a. at or inside a private residence;
  - b. inside a private automobile;
  - c. at or inside any religious institution, without limitation;
  - d. inside a hotel, motel, or commercial lodging establishment guest room, or inside any apartment;
  - e. of children under the age of two years;
  - f. of persons who cannot wear a mask or facial covering due to an existing medical condition;
  - g. of an individual who is hearing impaired or an individual who is communicating with an individual who is hearing impaired;
  - h. where federal or state safety or health regulations prohibit the wearing of facial coverings;
  - i. of persons actively engaged in strenuous physical activity, either inside or outdoors;
  - j. of persons swimming or engaged in other activities, which may cause the facial covering to become wet;
  - k. while persons are actively eating, drinking, or smoking; and
  - l. while a person is receiving services which require access to that person's nose or mouth.
6. This order does not change or alter any social distancing requirements imposed in any other federal, state, Miami-Dade County or Village emergency order or emergency declaration.



***The Village of Biscayne Park***

600 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

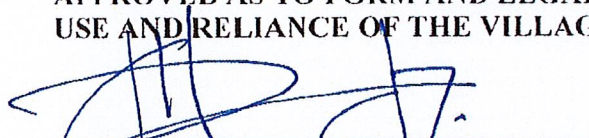
**VILLAGE OF BISCAYNE PARK**

  
Virginia O'Halpin, Mayor

**ATTEST:**

  
Roseann Prado, Village Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:**

  
John R. Herin, Jr., Interim Village Attorney

This Declaration was filed in the Office of the Village Clerk on this 22<sup>nd</sup> day of July 2020 [see, §252.46(2), Fla. Stat.] /s/ Roseann Prado, Village Clerk.