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# CITY OF MIAMI BEACH

## DECLARATION OF A STATE OF EMERGENCY

**REVISED - MARCH 13, 2020**

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**WHEREAS**, the Coronavirus Disease 2019 (“COVID-19”) is a severe and acute respiratory illness that can spread amongst persons by respiratory transmission and presents with symptoms similar to those of influenza; and

**WHEREAS**, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

**WHEREAS**, shortly after the initial COVID-19 outbreak, the Center for Disease Control and Prevention (“CDC”) deemed it necessary to prohibit or restrict any non-essential travel to or from various countries (including China, Iran, Italy and South Korea), and advised older travelers and those with chronic medical conditions to avoid nonessential travel to Japan. Moreover, the CDC issued an advisory that all travelers exercise enhanced precautions when travelling; and

**WHEREAS**, equally important, the World Health Organization (“WHO”) has declared COVID-19 to be a Public Health Emergency of International Concern and, on Wednesday, March 11, 2020, the WHO declared the rapidly spreading COVID-19 disease a worldwide pandemic, which will likely spread to all countries around the World; and

**WHEREAS**, Florida Governor Ron DeSantis (“Governor DeSantis”) issued an Executive Order on March 1, 2020 directing the Surgeon General of the State of Florida to issue a public health emergency and, in response to the pandemic outbreak of COVID-19, Governor DeSantis declared a State of Emergency on March 9, 2020 based upon its impact to the State of Florida; and

**WHEREAS**, Florida state health officials confirmed three (3) new cases of COVID-19 in Florida on March 11, 2020, including the first confirmed case in Miami-Dade County, a 56-year-old man who tested positive and had traveled recently; and

**WHEREAS**, the total number of known COVID-19 cases in Florida cases currently stands at twenty-six (26), of which twenty-three (23) such persons are Florida residents; and

**WHEREAS**, in direct response to the first confirmed case of COVID-19 in Miami-Dade County on March 11, 2020, Miami-Dade County Mayor Carlos Gimenez (“Mayor Gimenez”) declared a State of Emergency for Miami-Dade County, and, subsequently suspended the operation of the Miami-Dade County Youth Fair, the Miami Open tennis tournament, the MIA 5K run, and all major events at the American Airlines Arena; and

**WHEREAS**, COVID-19 has impacted one-hundred fourteen (114) countries around the globe, and these countries have reported that 118,000 individuals have contracted COVID-19, with nearly 4,300 people having died from this disease; and

**WHEREAS**, in the United States alone, over one-thousand (1,000) cases of COVID-19 have been diagnosed, and twenty-nine (29) people have died from the disease and, President Donald J. Trump signed a Presidential Proclamation on March 11, 2020, suspending the entry of most foreign nationals who have been in certain European countries at any point during the fourteen (14) days prior to their scheduled arrival to the United States. These countries, known as the Schengen Area, include: Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, and Switzerland <sup>1</sup>; and

**WHEREAS**, the Mayor and City Commission of the City of Miami Beach, at a specially held session on March 13, 2020, unanimously passed and adopted Resolution No. 2020-31192, expressly authorizing the City Manager to extend the duration of those discretionary emergency measures (as set forth herein), that are deemed necessary to address the COVID-19 pandemic in order to protect the public health, safety and welfare; and

**WHEREAS**, the Mayor and City Commission extended the 72-hour time period set forth in Section 26-35 of the City Code, and further authorized any such discretionary emergency measures to be implemented for a period of seven (7) days commencing March 12, 2020; provided, however, such emergency measures may be extended for seven (7) more consecutive days at the City Commission meeting scheduled on March 18, 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.

Accordingly, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in the City of Miami Beach remain safe and secure.

The CDC has recommended mitigation measures in communities with COVID-19 cases, which include staying at home when sick, keeping away from others who are sick, and staying at home when a household member is sick with respiratory disease symptoms, or if instructed to do so by public health officials or a health care provider.

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<sup>1</sup> However, such restriction does not apply certain groups of persons who are identified in the Proclamation.

Moving forward during this time, the City will continue to monitor what the World Health Organization has determined to be a global pandemic, and the City will constantly evaluate planned mass gatherings as the situation continues to develop and evolve.

In order to ensure that COVID-19 remains controlled and to protect the public health, safety and welfare of the residents and visitors of the City of Miami Beach, this immediate action is **NECESSARY**.

**AS SUCH, I HEREBY declare a State of Emergency throughout the territorial jurisdiction of the City of Miami Beach, and am ORDERING and PROMULGATING the following emergency measure, which is reasonably and necessarily implemented in response to this State of Emergency, and shall be effective immediately upon issuance of this Declaration of a State of Emergency, and shall continue in full force and effect until March 19, 2020, unless extended by the Mayor and City Commission at the March 18, 2020 meeting of the City Commission:**

1. No eating and/or drinking establishment, restaurant, nightclub, dance hall, hall for hire, or similar business shall be permitted to operate, and shall immediately cease all business activities and operations, if, at any time, the total occupancy load of any such business or establishment meets or exceeds two-hundred and fifty (250) persons. Notwithstanding the foregoing, any of the aforementioned businesses or establishments may avoid the prohibition set forth herein, if such business or establishment immediately reduces its occupancy load to less than two-hundred and fifty (250) persons.

**FURTHERMORE, I may, upon further consideration and appropriate notification, be ORDERING and PROMULGATING the following emergency measures, which will be reasonably and necessarily implemented in response to this State of Emergency:**

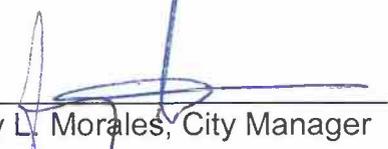
1. The establishment of curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated essential services such as fire, police and hospital services, including the transportation of patients thereto, utility emergency repairs, and emergency calls by physicians.
2. The prohibition of the sale or distribution of any alcoholic beverage, with or without the payment or a consideration therefore.
3. The prohibition of the possession on any person in a public place of any portable container containing any alcoholic beverage.
4. The prohibition of the sale or other transfer of possession, with or without consideration, of gasoline or any other flammable or combustible liquid altogether or except by delivery into a tank properly affixed to an operable motor-driven vehicle, bike, scooter, boat or airplane and necessary for the propulsion thereof.

- 5. The prohibition of the possession in a public place of any portable container containing gasoline or any other flammable or combustible liquid.

**THE EMERGENCY MEASURE(S) THAT HAVE BEEN ORDERED AND PROMULGATED HEREIN WILL BE EFFECTIVE IMMEDIATELY, AND SHALL BE EFFECTIVE FOR A PERIOD OF SEVEN (7) CONSECUTIVE DAYS OF THE DECLARED STATE OF EMERGENCY THROUGHOUT THE CITY OF MIAMI BEACH, UNLESS EXTENDED BY THE MIAMI BEACH CITY COMMISSION BY DULY ENACTED RESOLUTION IN REGULAR OR SPECIAL SESSION.**

Any violation of these emergency measure(s) shall subject the individual, operator, business entity, or organization to arrest and criminal prosecution pursuant to Section 26-36 and Section 1-14 of the City Code.

CITY OF MIAMI BEACH, FLORIDA

  
Jimmy L. Morales, City Manager

Date: 3:50 pm 3/13/2020

Time: 3:50 pm

**ATTEST:**

  
3/13/2020  
Rafael E. Granado, City Clerk



**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

I, **RAFAEL E. GRANADO**, City Clerk of the City of Miami Beach, Florida, do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in this office.

WITNESS my hand and seal of said City this 13 day of MARCH, 20 20.

  
Rafael E. Granado  
City Clerk of the City of Miami Beach, Florida

