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# CITY OF MIAMI BEACH

## DECLARATION OF A STATE OF EMERGENCY

**EXTENDED THROUGH 11:59 P.M. ON APRIL 2, 2020**

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**WHEREAS**, COVID-19/novel coronavirus ("COVID-19"), a severe acute respiratory illness 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 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, the Miami-Dade County Mayor 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 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 US has accelerated rapidly, with at least 488,328 confirmed cases worldwide as of March 26, 2020; and

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

**WHEREAS**, as of March 26, 2020, the United States has recorded 68,594 confirmed cases and 1,036 deaths; and

**WHEREAS**, the accelerating infection rate for COVID-19 led California, New York, Michigan, Wisconsin, Oregon, Washington, New Mexico, Illinois, Indiana, Ohio, Massachusetts, Connecticut, New Jersey, Delaware, Louisiana, and countless local governments, including Los Angeles, New York City, Dallas and others to issue orders curtailing mobility and travel, through "Shelter in Place," "Stay at Home," or "Safer at Home" orders, in order to minimize contact through social distancing measures and reduce the risk of COVID-19 infection, with over 100 million Americans subject to such orders; and

**WHEREAS**, to date, the Florida Department of Health lists 1,977 positive cases of COVID-19 and 23 deaths, with South Florida emerging as a "hotspot" for these infections – with 412 confirmed cases in Broward County and 491 confirmed cases in Miami-Dade County, accounting for almost half of the state's total; 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 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**, the COVID-19 outbreak threatens to overwhelm some U.S. hospitals in areas with the highest infection rates, leading the U.S. military to prepare to deploy field hospitals to New York and Seattle, as well as 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 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 the social distancing guidelines recommended by the CDC, thus increasing the risk of transmission; and

**WHEREAS**, as of March 25, 2020, at least two 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;

**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, poses a risk to the health, safety and welfare of the people of the City of Miami Beach;

**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**, other counties and municipalities in Florida, including Miami-Dade County, Monroe County and Key Biscayne, have issued emergency orders with restrictions on commercial lodging establishments within their jurisdictions; 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

**WHEREAS**, other cities in Miami-Dade County, including Miami, Surfside, North Bay Village, Aventura, and Bay Harbor Islands 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 executed 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**, pursuant to Section 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 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 of the 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 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.

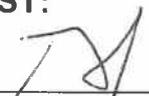
**NOW, THEREFORE, I, JIMMY L. MORALES**, as City Manager for the City of Miami Beach, Florida, pursuant to the authority vested in me under Section 26-31 of the City of Miami Beach Code of Laws and Ordinances (the "City Code"), have determined that there is reason to believe that there exists a clear 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 on March 20, 2020, and on March 23, 2020 (the "Safer At Home" Emergency Order), as may be further amended, for an additional period of seven (7) days, commencing at 12:00 a.m. on March 27, 2020, and ending at 11:59 p.m. on April 2, 2020, unless extended by the Miami Beach City Commission by duly enacted Resolution in regular or special session, or by the City Manager pursuant to City Resolution No. 2020-31219.**

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.



**ATTEST:**

  
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3/26/2020  
Rafael E. Granado, City Clerk

CITY OF MIAMI BEACH, FLORIDA

  
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Jimmy L. Morales, City Manager

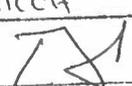
Date: 3/26/2020

Time: 9:00 AM

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  
26 day of MARCH, 2020.

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