
**MODIFIED PHASE 2 REOPENING ORDER
AND
EMERGENCY MEASURES
TO BE IMPLEMENTED BY CITY OF MIAMI BEACH
(Revised on September 9, 2020)**

EFFECTIVE SEPTEMBER 10, 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 September 16, 2020, I hereby **ORDER** the following emergency measures in response to this State of Emergency (the "Order"):

A. MODIFIED PHASE 2 REOPENING

Except as provided in this Order, retail and commercial establishments within the City of Miami Beach permitted to reopen under any Miami-Dade County Emergency Order, including Miami-Dade County Emergency Order ("County EO") 28-20, as may be amended, may reopen on the dates specified herein, provided that each such establishment:

- (i) complies with the requirements of any applicable County Emergency Order, including County EO 28-20, and the Handbook attached as Exhibit A to County EO 28-20, as amended, a copy of which is attached and incorporated herein as Exhibit 1;
- (ii) consents to the entry of City personnel onto the establishment's property for the sole purpose of inspection for compliance with this Order; and
- (iii) complies with the additional requirements set forth in this Order.

1. Retail and Commercial Establishments

- a. Retail and commercial establishments may reopen effective **May 20, 2020**, except for (i) those establishments which must remain closed under any Miami-Dade County Emergency Order (including County EO 28-20, as amended).
- b. Fitting rooms in retail establishments shall remain closed.

2. Museums

Museums, historical sites, and similar institutions may reopen effective **May 20, 2020**.

3. 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 28-20, as may be amended, and the Handbook attached as Exhibit A to County EO 28-20, as amended, a copy of which is attached and incorporated herein as Exhibit 1.
- c. Commencing on **August 31, 2020** at 12:01 a.m., and notwithstanding any other emergency order to the contrary, all restaurants and food service establishments shall close for on-premises dining between the start of the curfew at 10:00 p.m. and 6:00 a.m. the next morning. Notwithstanding the foregoing, between the hours of 10:00 p.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 10:00 p.m. and 6:00 a.m. each day. Employees, janitorial personnel, contractors, and delivery personnel shall be allowed access to such establishments. No music shall be permitted, unless the volume does not exceed the level of a normal conversation. Any live entertainment is hereby **PROHIBITED**.
- d. Entertainment, as defined in Section 114-1 of the City Code, shall be prohibited at restaurants and food service establishments.
- e. Bar counters shall be closed for service to customers.

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

Commencing on July 2, 2020 at 12:01 a.m., 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 **SHALL BE PROHIBITED** from selling any alcoholic beverage(s) after 8:00 p.m each day in **ALL ZONING**

DISTRICTS.

Package liquor stores and other retail stores selling alcoholic beverages for off-premises consumption, as identified above, shall be permitted to resume sales of alcoholic beverages each morning pursuant to those times delineated in Section 6-3 of the Code of Laws and Ordinances of the City of Miami Beach.

5. Commercial lodging establishments

Commercial lodging establishments may **REOPEN** effective **June 1, 2020**.

6. Short-term rentals

Short-term rentals and vacation rentals that are not located in condominium or hotel buildings must remain **CLOSED**, and are expressly **PROHIBITED**.

Short-term rentals and vacation rentals that are not located in condominium or hotel buildings are prohibited from accepting any new guests or making any new reservations.

Commencing at 12:01 a.m., Saturday, August 22, 2020 and notwithstanding any other emergency order to the contrary, for short-term rentals and vacation rentals located in condominiums or hotel buildings where otherwise permitted, the maximum daytime and overnight occupancy shall be up 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.

Any violation(s) of the maximum occupancy restriction may result in the immediate revocation of the Business Tax Receipt for the short-term rental unit or vacation rental in question for the duration of the Emergency Order, or any other appropriate penalty determined by the City Manager.

7. 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 to County EO 28-20, Miami-Dade County Emergency Order 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).

8. Movie theaters, concert houses, auditoriums, playhouses, bowling alleys, arcades, and indoor and outdoor amusement facilities

Commencing at 12:01 a.m., Thursday, July 9, 2020 and notwithstanding any other emergency order to the contrary, all of the following shall be closed pursuant to County EO 28-20, as may be amended: (a) movie theaters, (b) concert houses, (c) auditoriums, (d) playhouses, (e) bowling alleys, (f) arcades, (g) indoor and outdoor amusement facilities and attractions, (h) adult theaters, special cabarets, and unlicensed massage establishments, as defined in section 847.001, Florida Statutes, (j) banquet halls, both stand alone and incident to any hotel or other business, and (k) ballrooms both stand alone and incident to any hotel and other establishment.

9. Testing

All establishments permitted to reopen in Miami Beach 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.

10. Additional Facility Requirements for All Establishments

- a. Prior to reopening, all establishments shall be required to flush their plumbing and run water in sinks, to eliminate stagnant water from the period of the establishment's closure.
- b. Public restrooms shall be cleaned every 2 to 3 hours pursuant to the guidelines in the Handbook.
- c. The use of common water fountains and interactive water displays shall be prohibited.
- d. Capacity in elevators shall be limited to ensure social distancing.

- e. Should an establishment fail to comply with this Order and any applicable County Emergency Order, including County EO 28-20 and the Handbook attached as Exhibit A to County EO 28-20 (together, "these Orders"), the establishment shall be immediately closed. This provision shall become effective at 12:00 a.m. on June 23, 2020, and any such business that has failed to comply with these Orders and has been closed may only be permitted to reopen upon: (1) taking 24 hours to review and ensure compliance with these Orders, and taking all necessary measures to ensure full compliance with those requirements set forth therein; and (2) executing the attestation attached hereto as Exhibit 2, demonstrating that the establishment has ensured its compliance herein, and has completed the necessary measures that must be taken for proper operation pursuant to these Orders, and submitting the executed attestation by e-mail to hernancardeno@miamibeachfl.gov or by mail to Hernan Cardeno, Code Compliance Department, 1680 Meridian Avenue, Suite 602, FL 33139.

PRIOR TO REOPENING PURSUANT TO COUNTY EO 28-20 AND SECTION A OF THIS ORDER, RETAIL AND COMMERCIAL ESTABLISHMENTS AND ANY OTHER ESTABLISHMENT OR FACILITY SHALL CONTINUE TO BE SUBJECT TO ANY APPLICABLE CLOSURES AND/OR RESTRICTIONS SET FORTH IN THE REMAINING PROVISIONS OF THIS ORDER.

11. Facial Coverings Required

- a. All persons in public spaces and places, both indoors and outdoors, shall be required to wear facial coverings, as defined in Miami-Dade County Emergency Order 20-20, as amended.
- b. Facial coverings shall not be required:
 1. At or inside a private residence;
 2. Inside a private automobile;
 3. Inside a hotel, motel, or commercial lodging establishment guest room, or inside any apartment;
 4. Of children under two (2) years of age;
 5. Of persons who have trouble breathing due to a medical existing condition;
 6. Of persons who are hearing-impaired or persons communicating with an individual who is hearing-impaired.
 7. Where federal or state safety or health regulations prohibit the wearing of facial coverings;
 8. Of persons engaged in strenuous physical activity outdoors;

9. Of persons swimming or engaged in other activities which may cause the facial covering to become wet;
10. While persons are actively eating, drinking, or smoking; and
11. While a person is receiving services which require access to that person's nose or mouth.

c. Violations of this subsection A. 11. may be enforced with the following enforcement criteria:

1. Verbal warning.
2. A violation with a \$50 civil fine.

B. BEACHES

1. The City's beaches shall be **OPENED** pursuant and subject to the restrictions in County EO 28-20 and 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 reopened subject to the restrictions in Miami-Dade County Emergency Order 21-20, as amended, and any other applicable State, County, or City Emergency Order.
2. The hours of operation for any Parks and Recreation facilities permitted to remain open are as follows:
 - Park Hours: 7:00 a.m. to 8:00 p.m.
 - Tennis Center Hours: 7:30 a.m. to 8:00 p.m.
 - Boat Ramp Hours: 6:00 a.m. to 8:00 p.m.
 - Golf Course Hours: 7:00 a.m. to 8:00 p.m.

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.

3. The following City Parks and Recreational facilities shall remain **CLOSED**:

- Beach View Park, 5301 Collins Avenue
- Scott Rakow Youth Center, 2700 Sheridan Avenue
- 20th Street Pocket Park, 2001 North Bay Road
- Indian Beach Park, 4621 Collins Avenue
- LaGorce Park, 6421 Alton Road

4. Additionally, the following facilities shall also remain **CLOSED** or subject to the restrictions specified below:

- a. All park restrooms shall remain closed, except for restrooms at the golf courses and tennis centers, which 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.
- b. All volleyball courts shall remain closed.
- c. The Maurice Gibb Park Pier shall **REOPEN** effective June 15, 2020.
- d. South Pointe Park (including the pier) shall **REOPEN** effective June 15, 2020.
- e. The football bleachers and baseball stadium at Flamingo Park shall remain closed.
- f. Commencing on **August 31, 2020**, select basketball courts at City parks will reopen for public use subject to the following limitations:
 - Organized practices, competitive play or pick-up games are prohibited
 - Sports lighting shall remain off
 - Individual play only, with a maximum of three players per half court
 - Park staff may limit number of persons using courts and the number of courts open
 - Players must:
 - Observe social distancing guidelines at all times
 - Bring their own basketball
 - Not share their basketballs or other equipment

Any violations of the above restrictions may result in a \$50.00 civil fine.

5. 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.

6. Gatherings on the City's beachwalks and baywalks shall be limited to 10 people or fewer.
7. 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**.
8. Monument Island shall remain **CLOSED**.

D. EMERGENCY MEASURES FOR RETAIL AND COMMERCIAL ESTABLISHMENTS

1. All retail and commercial establishments required to remain closed under any Miami-Dade County Emergency Order, including County EO 28-20, shall remain **CLOSED**.

E. RELIGIOUS INSTITUTIONS AND PLACES OF WORSHIP

Religious and worship services may be provided via video or teleconference format, and/or with in-person gatherings, limiting indoor occupancy to no more than 50% of the building's maximum occupancy, subject to all social distancing requirements set forth below. Religious institutions and places of worship shall comply with the requirements of County EO 28-20 and this Order, and shall deploy strategies to reduce COVID-19 exposure for their congregants, including, at a minimum, the following measures:

1. Provide alcohol-based hand sanitizers for use by congregants, subject to availability of supplies.
2. Provide disinfecting wipes at points of entrance.
3. Implement procedures to ensure that all participants remain at least six feet apart at all times, to allow persons to maintain proper social distancing; provided, however, that persons residing in the same household may be seated together in groups not to exceed 10 persons.
4. Implement procedures for custodial/janitorial staff to sanitize frequent touchpoints throughout the day.
5. Facial coverings shall be worn by congregants, except by children under the age of 2, or persons who have trouble breathing due to a chronic pre-existing condition.

F. 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>.

G. 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.

H. 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 28-20 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 shall 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.

I. 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.

J. CURFEW

A general curfew is hereby established throughout the City. The curfew will be in effect daily from 10:00 p.m. to 6:00 a.m., and shall include, but not be limited to, the prohibition on pedestrian and vehicular movement, standing and parking, except for designated essential services that are fire, police, and hospital personnel, including the transportation of patients thereto, utility emergency repairs, emergency calls by physicians, essential travel for medical services, treatment, or medication, and food delivery services (subject to the additional provisions set forth herein).

THE EMERGENCY MEASURES THAT HAVE BEEN ORDERED AND PROMULGATED ABOVE SHALL BE EFFECTIVE COMMENCING ON SEPTEMBER 10, 2020 AT 12:01 A.M., AND SHALL BE EFFECTIVE THROUGH 11:59 P.M. ON SEPTEMBER 16, 2020, 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. Furthermore, 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



Jimmy L. Morales, City Manager

Date: September 9, 2020

Time: 4:40 p.m.

ATTEST:

 9/9/2020

Rafael E. Granado, City Clerk



