



City of North Miami Beach, Florida
Office of the City Manager

TO: The Honorable Mayor and City Commission

CC: Daniel A. Espino, Weiss Serota Helfman Cole & Bierman, City Attorney
Andrise Bernard, City Clerk
Department Directors

FROM: Esmond K. Scott, City Manager
William Hernandez, Chief of Police

DATE: July 2, 2020

SUBJECT: Additional Emergency Measures – Face Covering Directive Amendment No. 1

AMENDMENT NO. 1 TO CITY OF NORTH MIAMI BEACH EMERGENCY ORDER NO. 5

On March 11, 2020, Miami-Dade County Mayor Carlos A. Gimenez declared a public health emergency in Miami-Dade County (the "County"), as a result of mounting presumptive positive cases of COVID-19. The City of North Miami Beach (the "City") similarly issued its own emergency declaration on March 12, 2020 for an initial seven (7) day period and extended the emergency with subsequent declarations through April 9, 2020. On March 16, 2020, United States President Donald Trump and the Centers for Disease Control and Prevention (the "CDC") issued the 15 Days to Slow the Spread guidance, advising individuals to adopt far-reaching social distancing and other protective measures. In furtherance thereof, the City, on March 25, 2020, issued orders recommending residents to remain sheltered at home to the greatest extent possible, especially at-risk groups, and limiting certain other activities within the community.

Florida Governor Ron DeSantis and County Mayor Gimenez issued similar protective orders and guidance. Most pertinent to this order, on March 30, 2020, the Governor issued Executive Order No. 30-89, restricting the operations of non-essential business in certain South Florida counties and requiring establishments to take reasonable precautions to comply with CDC guidelines. The CDC updated those guidelines on April 3, 2020, recommending that persons should wear protective masks, including, but not limited to, cloth masks or other facial coverings, while in public to help control the spread of COVID-19. Mayor Gimenez in turn issued Emergency Order 19-20 similarly recommending face coverings.

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On June 19, 2020, Governor DeSantis expressly stated that the State of Florida will not overrule local governments when it comes to requiring masks to be worn in public and that he will allow local governments to make decisions that work for them. Further, in accordance with Section 10 of Miami-Dade County Emergency Order 23-20, the City can impose more stringent standards within the City than are set forth in the County Emergency Order 23-20. As COVID-19 hospitalizations, use of ventilators and deaths have increased in South Florida, it is necessary and appropriate for the City to take action to ensure that COVID-19 does not continue to spread and the residents and employees of the City remain safe and secure.

Therefore, the City issues this Order, amending the previous face covering Emergency Order to require face coverings to be worn in public settings:

1. Face Covering Recommended Required Generally. Consistent with CDC guidelines and in furtherance of County orders, excepted as otherwise required herein, all persons are ~~encouraged~~ required to wear a cloth mask or face covering ~~when moving about the City for essential services, whether employee or patron, and/or engaging in essential activities over the nose and mouth at all times in indoor and outdoor public settings. Public settings include, but are not limited to City Hall, government facilities, community centers, parking lots, and retail, commercial and other establishments or facilities that have been authorized to open and remain opened pursuant to Miami-Dade County Emergency Order 23-20, as amended.~~ Persons should not utilize N95 rated masks, as those exceed the standards for coverings provided by the CDC and are in critical short supply for health care workers, first responders, emergency management, and other persons engaged in life/safety activities. Face coverings may include, without limitation, scarfs, neck gaiters, bandanas, handkerchiefs, or other similar cloth coverings, whether store bought or homemade. Persons looking for additional guidance for protective face coverings should review CDC and Florida Department of Health guidelines on personal protective equipment. ~~Individuals engaged in permitted outdoor activities may forego this recommendation, provided that all other social distancing measures and State, County and/or State orders are followed.~~

2. Exceptions. A face covering shall not be required for:

- i. A child under two years of age;
- ii. An individual who has one or more medical conditions or disabilities that prevent wearing a face covering;
- iii. An individual who is obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- iv. An individual who works in a profession where use of a face covering will not be compatible with the duties of the profession;
- v. An individual who is engaged in outdoor work or exercise with appropriate social distancing in place;
- vi. An individual who is actively exercising in a gym, provided there is at least six feet of distance from the next closest person; and
- vii. An individual who is eating or drinking; and
- viii. An individual who is hearing-impaired or an individual who is communicating with an individual who is hearing-impaired.

2. Face Covering Required for Grocery Stores, Pharmacies, and Restaurants; Deliveries. All

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~~employees and customers of grocery stores, pharmacies, and restaurants are hereby required to wear a mask or face covering that shields the nose and mouth at all times while inside the grocery store, pharmacy, or restaurant facility. All individuals providing any kind of delivery services shall also wear a mask or face covering that shields the nose and mouth at all times while making deliveries.~~

~~**3. Face Covering Required for City Facilities.** All visitors to any open City facilities, including, but not limited to, City Hall, are hereby required to wear a mask or face covering that shields the nose and mouth at all times while inside such City facility.~~

~~**4-3. Essential Services Recommendations.** All essential retail establishments are strongly recommended to implement policies for employees to use appropriate personal protective equipment.~~

This order shall remain in place as long the State of Emergency in the City is in effect. This Order is in addition to, and supplements, the City's Emergency Orders. All requirements of City Emergency Orders, Miami-Dade County Emergency Orders, and State of Florida Executive Orders shall be strictly adhered to at all times.