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MIAMI-DADE COUNTY EMERGENCY ORDER 30-20

WHEREAS, section 252.38(3)(a), Florida Statutes, gives authority to political subdivisions to declare and enact a State of Local Emergency for a period of up to seven days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law; and

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of coronavirus disease 2019 (COVID-19) in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the State of Florida related to COVID-19; and

WHEREAS, on March 12, 2020, the County Mayor declared a State of Local Emergency for all of Miami-Dade County; and

WHEREAS, on May 15, 2020, the County Mayor issued Emergency Order 23-20, which ordered the opening of certain retail and commercial establishments in accordance with the "The New Normal" Handbook; and

WHEREAS, in order to mitigate a surge in COVID-19 cases in Miami-Dade County, on July 2, 2020, the County Mayor issued Emergency Order 26-20 in order to close certain indoor spaces and outdoor spaces where groups of people congregated without physical distancing, with additional amendments on July 3, 2020, July 9, 2020, and August 5, 2020; and

WHEREAS, actions taken at the beginning of July to close certain establishments, impose a curfew, and expand the application of physical distancing and facial covering requirements served to mitigate the spread of COVID-19 and reduce the daily positivity rate and the number of people in hospitals, in ICU beds, and on ventilators; and

WHEREAS, on September 25, 2020, the Governor of Florida issued Executive Order Number 20-244, stating that economic harms resulting from COVID-19 closures have exacerbated the State of Emergency; and

WHEREAS, Executive Order Number 20-244 moves the State of Florida into Phase 3 of its reopening plan, requiring local governments to provide economic impact analysis on the restaurant industry and explanation of why limits are necessary for public health if the local government intends to reduce capacity below 100 percent and requiring all other businesses to open as part of Phase 3; and

WHEREAS, the restaurant industry has experienced a 15 percent reduction in sales in March 2020, a 48 percent reduction in sales in April 2020, a 65 percent reduction in May 2020 and a 54 percent reduction in June 2020, as compared to January 2020 sales; and

WHEREAS, these losses are industry averages; and

WHEREAS, these losses reflect both government restrictions on restaurants and also customers who chose not patronize restaurants due to concerns about COVID-19; and

WHEREAS, the continuing restrictions in this Emergency Order with respect to distances between tables may prohibit some restaurants from operating at 100 percent capacity; and

WHEREAS, the limitations on group size at tables in this Emergency Order may prohibit some restaurants from operating at 100 percent capacity; and

WHEREAS, the impact of such restrictions, individually and collectively, could result in a continued loss of sales for such restaurants of 54 percent as compared to prior years, based on data through June of 2020; and

WHEREAS, transmission of COVID-19 happens when an infected person coughs, sneezes, or talks, and droplets from their mouth or nose are launched into the air and land in the mouths or noses of people nearby and then inhaled into the lungs; and

WHEREAS, recent studies, and the advice of the medical doctors consulted by the County, indicate that people who are infected with COVID-19, but do not have symptoms, likely also play a role in the spread of COVID-19, since people can spread the virus before they know they are sick; and

WHEREAS, persons sitting in a restaurant eating may be expelling virus, and it is necessary to take steps to ensure that restaurant customers do not inadvertently spread the virus; and

WHEREAS, the restriction below that tables must be six feet apart is necessary to ensure that restaurant customers do not inadvertently infect each other as they sit and eat; and

WHEREAS, the restriction below that limit six individuals per table is necessary to ensure that if an asymptomatic person is at a restaurant, that that individual can only potentially infect a limited number of people, as each person infected by COVID-19 may become a new source for the spread of the virus; and

WHEREAS, section 8B-7(2)(f) of the Code of Miami-Dade County ("Code") authorizes the County Mayor to order the closure of any commercial establishment; and

WHEREAS, sections 8B-7(2)(e) and (o) of the Code authorize the County Mayor to limit the movement of persons inside Miami-Dade County in order to safeguard life and health; and

WHEREAS, Executive Order Number 20-52 authorizes the County to respond to the still-existent COVID-19 emergency; and

WHEREAS, Section 252.46, Florida Statutes, authorizes the County to issue such orders and rules as are necessary for emergency management purposes;

WHEREAS, the safety and welfare of all the citizens of Miami-Dade County is paramount,

THEREFORE, as County Mayor of Miami-Dade County, I hereby order:

1. The preceding recitals are expressly incorporated herein.
2. Emergency Orders 1-20, 16-20, and 28-20, as amended, are cancelled.

3. a. Every retail and commercial establishment and any other establishment or facility (collectively, "establishment") in Miami-Dade County is permitted to open, and remain open, provided that each such establishment complies with the following requirements at all times:

- i. the requirements in paragraph 4 below;
- ii. the applicable activity-specific requirements in the "Moving To A New Normal Handbook," attached as Exhibit A, as amended (the "Handbook");
- iii. the facial covering requirements in Emergency Order 20-20, as amended; and
- iv. the entry of County or municipal personnel onto the establishment's property for the sole purpose of inspection for compliance with this order.

b. In the event that an establishment is not in compliance with (i) – (iv) above, the establishment shall immediately close until it has addressed its compliance issue(s). Before reopening, the owner or authorized agent of the establishment must comply with all of the following conditions:

- i. Review this order, and take all necessary measures to come into compliance with the requirements of this order;
- ii. Execute the attestation attached hereto as Exhibit B demonstrating that the review has been completed and the required measures have been taken; and
- iii. Submit the executed attestation by email to covid19businessviolations@mdpd.com or by mail to Special Patrol Bureau/Incident Team, 1501 NW 79th Ave., Doral, FL 33126.

c. Each time that an establishment that has previously submitted an attestation pursuant to subparagraph (b) above is not in compliance with subparagraph (a) above or (d) below, such establishment shall close again. Before reopening a second or subsequent time, the owner or authorized agent of the establishment must comply with both of the following conditions:

- i. Submit a compliance plan to the County; and
- ii. Receive written approval by the County Mayor or County Mayor's designee that the compliance plan is approved and that establishment may open.

d. Restaurants and other food service establishments with seating for more than eight people shall close for on-premises dining between the start of the curfew as determined in Emergency Order 27-20 and 6:00 am the next morning. Notwithstanding the foregoing, such establishments may operate their kitchens for the purpose of providing delivery services, pick-up or take out services. Employees, janitorial personnel, contractors and delivery personnel shall be allowed access to such establishments at all times.

e. Notwithstanding and controlling over anything in the Guidebook to the contrary, restaurants and other food service establishments shall be permitted to have a minimum occupancy of 50 percent, and shall otherwise comply with social distancing requirements to the maximum extent possible. A restaurant or other food service establishment shall be allowed to operate at up to 100 percent capacity if the restaurant: (1) ensures six feet of distance between tables; (2) ensures that no more than six persons (or ten persons if in the same household) sit at a table; and (3) ensure that persons not actively eating or drinking are wearing facial coverings.

4. As a condition of opening, all establishments shall, as set forth in the Handbook:

- a. post CDC signage in public locations emphasizing measures to “Stop the Spread” and to exercise social responsibility;
- b. train all personnel in new operating protocols and modifications to existing codes of conduct to deal with COVID-19 issues;
- c. reduce seating in breakrooms and common areas to ensure a minimum physical distance of six feet between people, and where possible, establish a single point of entrance;
- d. post a contact email address, telephone number or both for employees and customers to raise questions or concerns;
- e. if faced with infection from on-site personnel, immediately report the number of infected persons, time of infection, and proposed remediation plan to the Florida Department of Health, as further specified in Exhibit A;
- f. enhance sanitization of all common areas and frequent touch points;
- g. place trash containers for facial coverings and other personal protective equipment near exits, entrances, and other common areas;
- h. comprehensively clean establishments each night, including thoroughly disinfecting all frequent touch points and emptying all trash receptacles using solid waste bags that are double-bagged and securely sealed;
- i. install hand sanitizer at entry points and throughout the property;
- j. use reasonable efforts to ensure that on-site customers, employees, contractors, and vendors maintain appropriate social distancing, as recommended by the then-current CDC guidelines, which may include, but are not limited to, marking floors at appropriate intervals or providing other visible systems to identify the appropriate social distance; and

5. General Provisions:

- a. No establishment is required to comply with the provisions listed as “recommendations” in the Handbook, but all businesses are strongly urged to follow those recommendations to the maximum extent possible. However, activity and site-specific restrictions and requirements listed in the Handbook in bold must be followed by all applicable establishments.

b. Where social distancing is required, such social distancing requirements shall not apply to members of the same family, defined as an individual and spouse, domestic partner, parents, children, or legal guardians who reside in the same household, and inclusive of children whose custody is shared between two parents in different households.

c. Any provision of the Guidebook which, if followed, would result in an establishment not being able to operate shall not be applicable to such business.

6. Any establishment that has an on-site employee or contractor who tests positive shall close until one of the following conditions is met:

a. the establishment is deep-sanitized and employees who were in close contact with the positive employee or contractor have been tested and cleared by a medical professional as being COVID-19 free or do not report to work for 14 days after the date the positive employee or contractor was last onsite; or

b. 14 days from the date such employee or contractor was last onsite at such establishment if deep-sanitization is not performed.

Where an establishment has multiple floors or structures, or has a square footage in excess of 10,000 square feet, only those structure(s), floor(s), or area(s) where the infected person was present are required to be deep-sanitized as a condition of re-opening, and only those employees working in such structure(s), on such floor(s), or who came into contact with the positive employee or contractor must be tested or must not report to work for 14 days after the date the positive employee was last on-site.

Under no circumstances shall an employee or contractor who has tested positive report to work at an establishment until that employee is (1) cleared by a medical professional as being COVID-19 free or (2) meets any criteria for returning to work as may be promulgated by the USCDC or the state of Florida.

7. This order does not affect or limit the operations of Miami-Dade County, any public utility, any municipality, the Miami-Dade County School District, or any state or Federal office or facility, except that such entities shall abide by the restrictions of any County, municipal, state or Federal emergency order, as applicable.

8. This order does not limit the number of persons who may be physically present at any religious service. Persons attending religious services are urged, but are not required, to practice social distancing, such as keeping six feet between persons and limiting group size to that necessary to accomplish physical distancing.

9. Notwithstanding any other emergency order and section 33-28(D)(3) of the Code to the contrary, in both the incorporated and unincorporated areas of Miami-Dade County, (a) the maximum daytime and overnight occupancy for short-term vacation rentals shall be up to a maximum of two persons per bedroom plus two additional persons per property not to exceed a maximum of ten persons.

10. After a tropical storm or hurricane warning has been issued, or after a declaration of a state of emergency due to a tropical storm or a hurricane, for all or part of Miami-Dade County: (i) hotels,

motels or other commercial lodging establishments may allow in-person dining at on-premises restaurants without limitation and may exceed social distancing requirements or capacity limitations in ballrooms and meeting rooms for the purpose of temporary sheltering or other emergency response purposes, and (ii) any facility designated as a shelter pursuant to any state, county, or municipal emergency management plan, and any county or municipal facility being used for emergency management purposes, shall be exempt from social distancing requirements or capacity limitation and may allow in-person dining without limitation at such facility. These provisions allowing for the lifting of restrictions to address the community's needs to respond to a tropical storm or a hurricane shall only be in effect for the duration of the declared emergency or hurricane or tropical storm warning unless terminated earlier by executive order.

11. The provisions of this order shall serve as minimum standards. Municipalities may impose more stringent standards within their jurisdictions

12. All other prior emergency orders remain in effect except to the extent modified by this order. This order supersedes any conflicting provision of any prior order.

13. This order shall expire upon the expiration of the existing Miami-Dade County State of Local Emergency, provided, however, that if such State of Local Emergency is extended, this order shall also be deemed to be extended for the duration of such extension order. This order may be cancelled earlier by action of the County Mayor.

14. This order shall be effective immediately. The immediate implementation of this Order is necessary to protect public health and to minimize life-threatening infections.

15. This order shall be provided to all appropriate media consistent with the requirements of section 8B-7(2)(n) of the Code of Miami-Dade County.