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MIAMI-DADE COUNTY EMERGENCY ORDER 33-20

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, on September 25, 2020, the Governor of Florida issued Executive Order Number 20-244, stating that economic harms resulting from COVID-19 closures has 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, taxable food and beverage sales continue to decline, with sales in hotel establishments having declined 56 percent year over year, based on this year’s County tax revenue collections; and

WHEREAS, restaurants continue to remain closed as a result of decreased demand for dining; and

WHEREAS, employment in the restaurant industry continues to struggle, experiencing a 20 percent decline in available jobs compared to one year prior, based on January 2021 employment data; and

WHEREAS, these losses are industry averages; and

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

WHEREAS, the continuing restrictions in this Emergency Order with respect to social distancing may prohibit some restaurants from operating at 100 percent capacity; 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 6 feet apart is necessary to ensure that restaurant customers do not inadvertently infect each other as they sit and eat; 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 08-20, 10-20, 20-20, 24-20, 25-20, 29-20, 30-20 and 31-20 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:
 - i. complies with the facial covering requirements in Section 5 below, as amended;
 - ii. provides hand sanitizer for customers and employees or facilities for hand-washing;
 - iii. uses reasonable efforts to ensure that customers and employees on site maintain appropriate social distancing, as recommended by the current CDC guidance, particularly in checkout, pick-up, or take-out areas, and also in employee breakrooms and common use areas. Reasonable efforts may include, but are not limited to, marking floors at appropriate intervals or providing other visible systems to allow persons to maintain proper social distancing; and
 - iv. ensures that sick employees do not report to work.
- b. In the event that an establishment is not in compliance with 3(a) 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 (<mailto:mailto:covid19businessviolations@mdpd.com>) or by mail to Special Patrol Bureau/Incident Management 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 submit a compliance plan to the County.
- 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 a.m. 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 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 6 feet of distance between tables and (2) ensures that persons not actively eating or drinking are wearing facial coverings.

4. General Provisions:

a. The COVID Safety Guidelines ("Guidebook") attached as Exhibit A is provided for information purposes only, and no provisions therein shall be binding on any individual or establishment.

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. Employers do not need to require a negative COVID-19 test before employees return to work. Employees who:

1. never develop symptoms can end isolation 10 days after testing positive.
2. developed mild symptoms can end isolation after 10 days if at least 24 hours have passed without a fever and other symptoms have improved.
3. developed severe symptoms may need to continue isolation for a full 14 days or longer.

5. a. All persons throughout Miami-Dade County shall wear a mask or other facial covering when in public, except as set forth in Section c below.

b. A mask or other facial covering shall comply with the recommendations of the CDC, as such recommendations may change from time to time. The current CDC guidelines recommend wearing a mask or facial covering that completely covers the nose and mouth, snugly fits the side of face, without gaps, has two or more layers of washable, breathable fabric. Current guidelines can be found at:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-facecoverings.html>

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Persons should not utilize N95 rated masks, as those are critical supplies for health care workers, police, fire, emergency management, or other persons engaged in life/safety activities. Persons wearing facial coverings should review the CDC and Florida Department of Health guidelines regarding safely applying, removing, and cleaning such coverings, which are found at:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html>

(<http://web.archive.org/web/20210407045517/https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>)

c. Masks and other facial coverings shall not be required:

- i. at or inside a private residence;
- ii. inside a private automobile;
- iii. at or inside any religious institution, without limitation, though voluntary usage of masks is encouraged;
- iv. inside a hotel, motel, or commercial lodging establishment guest room, or inside any apartment;
- v. of children under the age of two years;
- vi. of persons who cannot wear a mask or facial covering due to an existing medical condition;

- vii. of an individual who is hearing impaired or an individual who is communicating with an individual who is hearing impaired;
- viii. where Federal or State safety or health regulations prohibit the wearing of facial coverings;
- ix. of persons actively engaged in organized sporting competitions or activities, whether indoor or outdoor; facial coverings must be put on by athletes and other individuals standing on the sidelines of sports competitions;
- x. of persons swimming or engaged in other activities which may cause the facial covering to become wet;
- xi. while persons are actively eating, drinking, or smoking;
- xii. while a person is receiving services which require access to that person's nose or mouth;
- xiii. if a person is outdoors, has a mask available, and is a minimum of 10 feet from any other person other than members of that person's family, as defined above.

6. No group of 10 or more individuals shall gather on a public street, alley, public way, sidewalk, public park, or in any body of water (excepting persons on private boats). Where 10 or more individuals are separated by appropriate social distancing, no group shall exist.

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. Notwithstanding, no government facility, other than police, fire, medical, or emergency facilities, shall be open for public use during the time period any curfew is in effect; government employees and contractors may make use of public facilities without limitation during any curfew period.

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 6 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. 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.

13. This order shall be effective as of Tuesday, April 6, 2021 at 6:00 p.m. The immediate implementation of this Order is necessary to protect public health and to minimize life-threatening infections.

14. 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.

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