

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber
Members of the City Commission

CC: Alina T. Hudak, City Manager
Rafael E. Granado, City Clerk

FROM: Rafael Paz, Acting City Attorney



DATE: May 12, 2021

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY, DATED MARCH 12, 2020, IN THE CITY OF MIAMI BEACH TO ADDRESS THE COVID-19 PANDEMIC, AS EXTENDED THROUGH MAY 12, 2021, SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING AT 12:00 A.M. ON MAY 13, 2021, AND ENDING AT 11:59 P.M. ON MAY 19, 2021; FURTHER AUTHORIZING THE CITY MANAGER TO CONTINUE TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY FOR FIVE (5) ADDITIONAL 7-DAY INCREMENTS, WHICH WOULD COMMENCE AT 12:00 A.M. ON MAY 20, 2021, AND END AT 11:59 P.M. ON JUNE 23, 2021; AND PROVIDING THAT THE SUBJECT DECLARATION OF A STATE OF EMERGENCY SHALL BE TERMINABLE BY THE CITY COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION.

BACKGROUND/HISTORY

The attached Resolution requests authorization, pursuant to City Code Section 26-35, to further extend the duration of the Declaration of a State of Emergency, dated March 12, 2020, in order to continue to address threats associated with the coronavirus disease 2019 ("COVID-19") pandemic.

On March 12, 2020, the City Manager declared a State of Emergency for the City of Miami Beach, on the basis that the COVID-19 pandemic 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 (the "Declaration").

The Declaration has been extended by the City Manager through May 12, 2021, pursuant to Resolution Nos. 2020-31192, 2020-31219, 2020-31245, 2020-31246, 2020-31273, 2020-31280, 2020-31282, 2020-31284, 2020-32187, 2020-31308, 2020-31312, 2020-31372, 2020-31424,

2020-31463, 2020-31506, 2020-31529, 2021-31558, 2021-31598, 2021-31651, and 2021-31691.

ANALYSIS

The attached Resolution authorizes the City Manager to extend the duration of the Declaration for an additional period of seven (7) days, commencing at 12:00 a.m. on May 13, 2021, and ending at 11:59 p.m. on May 19, 2021. Further, the Resolution authorizes the City Manager to continue to extend the declaration of a State of Emergency for five (5) additional 7-day increments, which would commence at 12:00 a.m. on May 20, 2021, and end at 11:59 p.m. on June 23, 2021.

On May 3, 2021, Governor Ron DeSantis issued Executive Order 21-102 immediately suspending "all local COVID-19 restrictions and mandates on individuals and businesses." EO 21-102 operated to suspend the City's most recent Emergency Order, which was set to expire at 11:59 p.m. on May 5, 2021.

The City's Declaration of a State of Emergency is a separate matter from the issuance of any emergency measures pursuant to such Declaration. While Executive Order 21-102 suspended emergency measures imposed upon individuals and businesses, the Order does not restrict the City from continuing to declare a State of Emergency or taking any other action in order to obtain reimbursement for COVID-related expenses.

The State of Emergency declared by Governor DeSantis in Executive Order 20-52, as extended by Executive Orders 20-114, 20-166, 20-192, 20-213, 20-276, 20-316, and 21-45, remains in effect for the entire State of Florida until June 26, 2021.