

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: June 23, 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 JUNE 23, 2021, SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING AT 12:00 A.M. ON JUNE 24, 2021, AND ENDING AT 11:59 P.M. ON JUNE 30, 2021; FURTHER AUTHORIZING THE CITY MANAGER TO CONTINUE TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY FOR FOUR (4) ADDITIONAL 7-DAY INCREMENTS, WHICH WOULD COMMENCE AT 12:00 A.M. ON JULY 1, 2021, AND END AT 11:59 P.M. ON JULY 28, 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, 2021-31691, and 2021-31718.

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 June 24, 2021, and ending at 11:59 p.m. on June 30, 2021. Further, the Resolution authorizes the City Manager to continue to extend the declaration of a State of Emergency for four (4) additional 7-day increments, which would commence at 12:00 a.m. on July 1, 2021, and end at 11:59 p.m. on July 28, 2021.

On May 3, 2021, Florida Governor Ron DeSantis issued Executive Order (“EO”) 21-102, immediately suspending “all local COVID-19 restrictions and mandates on individuals and businesses.” On the same day, the Governor signed into law Senate Bill (“SB”) 2006, which, in pertinent part, amends Section 252.38, Florida Statutes, to further limit the emergency management authority of political subdivisions, restrict the duration of local emergency orders, and permit the Governor to invalidate a local emergency order at any time. The bill defines an “emergency order” as “an order or ordinance issued or enacted by a political subdivision in response to an emergency . . . that limits the rights or liberties of individuals or businesses within the political subdivision.” SB 2006 is effective on July 1, 2021.

Notwithstanding the foregoing, neither EO 21-102 nor SB 2006 impact the City’s authority to continue to extend the Declaration of a State of Emergency, or take any other action to obtain reimbursement for COVID-related expenses. Section 252.38(3)(a)(5), which was *not* amended by SB 2006, expressly permits the City to declare a state of local emergency “[t]o request state assistance or invoke emergency-related mutual-aid assistance.”

The City Commission may therefore continue to authorize the City Manager to extend the duration of the State of Emergency as provided in this Resolution.