

RESOLUTION NO. _____

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.

WHEREAS, coronavirus disease 2019 (“COVID-19”), a severe acute respiratory illness caused by the SARS-CoV-2 virus that can spread rapidly from person to person and cause serious illness or death, constitutes a clear and present threat to the lives, health, welfare and safety of the people of the City of Miami Beach; and

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

WHEREAS, on March 11, 2020, the World Health Organization declared the rapidly spreading coronavirus outbreak a pandemic; and

WHEREAS, on March 12, 2020, Miami-Dade County Mayor Carlos Gimenez declared a State of Emergency for all of Miami-Dade County due to the threats associated with COVID-19; and

WHEREAS, on March 12, 2020, the City Manager for the City of Miami Beach declared a State of Emergency for the City of Miami Beach, as COVID-19 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, which declaration was amended on March 13, 2020, and the findings of which are hereby incorporated by reference (“Declaration of a State of Emergency”); and

WHEREAS, the Declaration of a State of Emergency has been extended by the City Manager through June 23, 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, the findings of which are hereby incorporated by reference; and

WHEREAS, pursuant to Sections 26-31 and 26-33 of the City Code and Chapter 252 of the Florida Statutes, the City Manager of the City of Miami Beach is authorized to declare a state

of emergency, with such limitations and conditions as the City Manager may deem appropriate; and

WHEREAS, pursuant to City Code Section 26-35, the duration of such Declaration of a State of Emergency is limited to a period of 72 consecutive hours, unless an extension is authorized by the City Commission by duly enacted resolution in a regular or special session of the City Commission; and

WHEREAS, Section 252.38, Florida Statutes, provides that the duration of each State of Emergency declared locally is limited to a period of seven (7) days; however, Section 252.38 also provides that such local State of Emergency may be extended, as necessary, in 7-day increments; and

WHEREAS, the City Manager hereby requests that the Mayor and City Commission authorize the City Manager to extend the Declaration of a State of Emergency in the City of Miami Beach, for an additional 7-day increment, which would commence on June 24, 2021, and end on June 30, 2021; and

WHEREAS, further, the City Manager requests that the Mayor and City Commission authorize the City Manager to extend the Declaration of a State of Emergency for four (4) additional 7-day increments, which would commence on July 1, 2021, and end on July 28, 2021; and

WHEREAS, the Mayor and City Commission hereby acknowledge and consent to the aforesaid 7-day incremental extension and the additional incremental extensions; provided, however, that at any duly-noticed regular or special City Commission meeting, the Mayor and City Commission may determine whether any further extensions of the City Manager's Declaration of a State of Emergency are necessary and warranted; and

WHEREAS, should the currently scheduled meetings of the Mayor and City Commission be canceled or rescheduled to a subsequent date, the City Manager shall call a special emergency meeting of the City Commission, pursuant to Section 2.04 of the City Charter, for the express purpose of terminating or continuing to extend the Declaration of a State of Emergency; and

WHEREAS, 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"; and

WHEREAS, on the same day, Governor Ron DeSantis 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; and

WHEREAS, neither Executive Order 21-102 nor Senate Bill 2006 impact the City's authority to continue to extend the City's Declaration of a State of Emergency, or take any other action in order to obtain reimbursement for COVID-related expenses; and

