The Village of Biscayne Park
600 NE 114th St., Biscayne Park, FL 33161
Telephone: 305-899-8000 Facsimile: 305 891 7241

DECLARATION OF THE MAYOR OF THE VILLAGE OF BISCAYNE PARK SECOND EXTENSION OF THE DECLARATION OF A LOCAL STATE OF EMERGENCY IN THE VILLAGE OF BISCAYNE PARK, FLORIDA

WHEREAS, on December 4, 2012, the Commission of the Village of Biscayne Park passed and adopted Resolution No. 2012-43, adopting the Village's Comprehensive Emergency Management Plan (the "Village CEMP"); and

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza; and

WHEREAS, in December of 2019, a new and substantial outbreak of COVID-19 emerged in Wuhan, China, and has since spread rapidly to 150 countries and territories throughout the World, including the United States, and more specifically Miami-Dade County; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) is predicting the widespread transmission of COVID-19 will occur in the United States; and

WHEREAS, no vaccine or drug is currently available to cure or combat COVID-19; and

WHEREAS, President Trump issued a Proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak; and

WHEREAS, the CDC has issued guidelines for "community mitigation strategies" to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order 20-52, declaring a State of Emergency for the State of Florida, including Miami-Dade County, and authorizing the Florida Department of Health to issue a Public Health Emergency as a result of the spread of the dangerous and highly contagious COVID-19 virus (the "Virus"); and

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WHEREAS, on March 12, 2020 Miami-Dade County Mayor Carlos Gimenez declared a county-wide Local State of Emergency in Miami-Dade County, Florida following the discovery of the Virus; and

WHEREAS, the President of the United States has extended the CDC's nationwide social distancing guidelines through the end of the month of April 2020; and

WHEREAS, the Governor of Florida issued Executive Orders No. 20-91 and 20-92 instituting a state-wide "safer at home" guidelines and ordering "all persons in Florida [to] limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services or conduct essential activities"; and

WHEREAS, "essential services" means and encompasses the list detailed by the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, v. 2 (March 28, 2020) and any subsequent lists published; and also include those businesses and activities designated by Executive Order 20-89 and a list propounded by Miami-Dade County in multiple orders; and

WHEREAS, the Governor's Executive Order No, 20-52 declaring a state-wide health emergency because of the Virus will expire at 11:59 p.m. on May 8, 2020, and the Governor's Executive Order No. 20-91 instituting the "safer at home" social distancing protocols will expire at 11:59 p.m. on April 30, 2020; and

WHEREAS, the Governor of Florida issued Executive Order No. 20-114 – Emergency Management – Extension of Executive Order 20-52-COVID-19; and

WHEREAS, Section 252.38(2), *Florida Statutes*, requires that each municipal emergency management plan be consistent with and subject to the applicable county emergency management plan; and

WHEREAS, the Village CEMP requires the Village's emergency activation be initiated once Miami-Dade County has declared a county-wide state of emergency; and

WHEREAS, Section 252.38(3)(a)(5) and Section 252.46, *Florida Statutes*, grants political subdivisions and municipalities of the state the authority to declare a State of Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the Village CEMP authorizes the Village Mayor to declare a state of emergency within the Village; and

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WHEREAS, it is the innate responsibility of the governing body of each political subdivision and municipality of the State of Florida to safeguard the health, safety and welfare of its residents; and

WHEREAS, pursuant to Sections 252.38 and 252.46, *Florida Statutes*; the Village Charter and the Village CEMP, the Mayor is empowered to take all prudent actions necessary to ensure the health, safety and welfare of the community; and

WHEREAS, pursuant to the authority granted by Chapter 252, *Florida Statutes*, and the Village CEMP, on March 16, 2020 the Mayor of the Village of Biscayne Park, Florida, declared a Village-wide State of Emergency from Monday, March 16, 2020 at 12:00 p.m. to Wednesday, April 15, 2020 at 5:00 p.m.; and

WHEREAS, on April 15, 2020 the Village Mayor deemed it necessary to extend the declaration of a Village-wide State of Emergency from Wednesday April 15, 2020 at 5:00 pm to Thursday April 30, 2020 at 11:59 p.m. to ensure the health, safety, and welfare of the community; and

WHEREAS, on April 22, 2020, the Village Mayor and Council voted to extend the Village-wide State of Emergency to coincide with the Governor's Executive Order 20-52, which is scheduled to expire at 11:59 p.m. on May 8, 2020.

NOW, THEREFORE, IT IS ORDERED:

1. The Village-wide State of Emergency is extended to **11:59 p.m., May 31, 2020**.

VILLAGE OF BISCAYNE PARK

Virginia O'Halpin, Mayor

ATTEST:

Roseann Prado, Village Clerk

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

John R. Herin, Jr., Interim Village Attorney

This Declaration was filed in the Office of the Village Clerk on this 15th day of April 2020 [see, §252.46(2), Fla. Stat.] /s/ Roseann Prado, Village Clerk.