BAL HARBOUR

- VILLAGE -

SECOND AMENDMENT TO ORDER NO. 11-20

BAL HARBOUR EMERGENCY MEASURES

(ISSUED ON JUNE 5, 2020 AT 5:00 P.M.)

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida due to Novel Coronavirus Disease 2019 ("COVID-19"); and

WHEREAS, on March 13, 2020, I, as Village Manager of Bal Harbour Village, promulgated an Emergency Order which, among other requirements, temporarily closed Village facilities and certain businesses located in the Village, and imposed emergency measures effective immediately; and

WHEREAS, on March 23, 2020, I issued a Safer at Home Order, urging all persons living within the Village to remain in their homes; and

WHEREAS, on April 1, 2020, Governor DeSantis issued a statewide Safer at Home Order; and

WHEREAS, on April 29, 2020, Governor DeSantis issued Executive Order 20-112, implementing Phase 1 of Florida's "Safe. Smart. Step-by-Step. Plan for Florida's Recovery," excluding Broward and Miami-Dade County, adding certain additional services to the services previously permitted under Executive Order 20-91, including on premises consumption of food and beverage at restaurants, operation of in-store retail, and opening of museums, subject to a 25% capacity limitation; and

WHEREAS, on May 9, 2020, Governor DeSantis issue Executive Order 20-120, authorizing licensed professionals, including barbers and cosmetologists, to provide personal services as part of Phase 1; and

WHEREAS, on May 14, 2020, Governor DeSantis issued Executive Order 20-122, amending Executive Order 20-112 to include Broward County and Miami-Dade County in Phase 1; and

WHEREAS, on May 15, 2020, Miami-Dade County issued Emergency Order 23-20, implementing guidelines for the reopening of businesses, and reopening additional portions of recreational amenities; and

WHEREAS, on May 15, 2020, Governor DeSantis issued Executive Order 20-123, expanding Phase 1 to allow on premises consumption of food and beverage at restaurants, operation of in-store retail, and opening of museums, subject to a 50% capacity limitation; and

WHEREAS, on May 27, 2020, Miami-Dade County Mayor Gimenez issued an amendment to County Order 21-20 reopening the beaches effective June 1, 2020; and

WHEREAS, on May 27, 2020, Mayor Gimenez also issued an amendment to County Order 23-20 reopening the beaches, swimming pools and hotels, revising and clarifying other requirements, and updating Exhibit A thereto effective June 1, 2020, and the Village seeks to amend its Order 11-20 to respond to the updated County orders; and

WHEREAS, on June 4, 2020, Mayor Gimenez issued another amendment to County Order 23-20 reopening gymnasiums and fitness studios, massage studios or parlors, banquet halls, and summer camps, revising and clarifying other requirements, and updating Exhibit A thereto effective June 8, 2020, and the Village seeks to amend its Order 11-20 to respond to the updated County orders.

NOW, THEREFORE, as Village Manager of Bal Harbour Village, Florida, and pursuant to the authority vested in me pursuant to Chapter 252.38(3)(a), Florida Statutes, and Bal Harbour Village Code Chapter 2, Article VIII "Emergency Management" (the "Village Code"), as well as that certain Bal Harbour Village Declaration of State of Emergency, dated March 13, 2020, and in addition to the Emergency Measures I have previously ordered and promulgated, I hereby **ORDER** and **PROMULGATE** the following additional emergency measures, effective **June 8, 2020 at 12:01 a.m.** (the "Order"):

1. All Orders, except the Orders listed below, are hereby rescinded. The following Orders remain in effect:
    a) Order #6 (Safer at Home), as amended;
    b) Order #7 (Isolation of Individuals Traveling), as amended;
    c) Order#9 (Restriction on Construction Sites), as amended; and
    d) Order #10 (Virtual Meeting Order).

2. This Order is supplemental and in addition to the Governor's Executive Orders 20-112, 20-120, 20-122, and 20-123 (collectively, the "Executive Orders"), together with Miami-Dade County Emergency Order 23-20, as amended (the "County Order"), all of which are hereby adopted by the Village and incorporated herein.

3. Restaurants and food establishments, including those in commercial lodging establishments, are permitted to open provided all such operations are consistent with the requirements set forth in the County Order.

4. Retail establishments may open, subject to the guidelines set forth in the County Order.

5. All marinas, boat launches, docking, fueling, marine supply, and other marina services may open under the limited circumstances set forth in Miami-Dade County Order 21-20 and the County Order.

6. Pools and pool decks may open, subject to the guidelines set forth in the County Order. Prior to the re-opening of the pools and pool decks, all building and condo managers must submit a re-opening plan to the Village Manager.

7. Gymnasiums and spas may open, subject to the guidelines set forth in the County Order. Prior to the re-opening of the gymnasiums and spas, all building and condo managers must submit a re-opening plan to the Village Manager.

8. The Bal Harbour Jetty and beach shall remain closed for fishing until further notice.

9. Bal Harbour beach may open, subject to the guidelines set forth in the County Order.

10. Hotels and commercial lodging establishments may open, subject to the guidelines set forth in the County Order. Prior to the re-opening of the hotels and commercial establishment, hotel managers must submit a re-opening plan to the Village Manager.

11. This Order is in addition to, and supplements, the Village's prior Emergency Orders, the Executive Orders issued by the Governor, and the Emergency Orders issued by Miami-Dade County. To the extent of any conflict between this Order and any previously issued Village Emergency Order, this Order shall control to the extent of such conflict. To the extent of any conflict between this Order and any applicable County or State Emergency Order, the more stringent provisions shall control to the extent of such conflict and to the fullest extent permitted by law.

12. All requirements of Village Emergency Orders, Miami-Dade County Emergency Orders, and State of Florida Executive Orders shall be strictly adhered to at all times.

13. The provisions of this Order are declared to be severable and, if any section, sentence, clause or phrase of this Order for any reason is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Order and they shall remain in effect, it being the intent that this Order shall stand notwithstanding the invalidity of any part.

14. This Order shall be in effect for as long as the Bal Harbour Village state of emergency is in effect, unless this Order is earlier terminated or amended.

15. This Order shall be filed promptly with the Village Clerk and shall be given prompt and general publicity.

THE EMERGENCY MEASURES THAT HAVE BEEN ORDERED AND PROMULGATED ABOVE SHALL BE EFFECTIVE JUNE 8, 2020 at 12:01 a.m.

BAL HARBOUR VILLAGE, FLORIDA

Jorge M. Gonzalez, Village Manager

Date: June 5, 2020

Time: 5:00 pm

ATTEST:

Dwight S. Danie, Village Clerk