

VILLAGE OF KEY BISCAYNE, FLORIDA
OFFICE OF THE VILLAGE MANAGER
AMENDMENT 1 TO REVISED EMERGENCY ORDER 20-7

Date: May 1, 2020

On March 31, 2020, the President of the United States along with the CDC announced an extension to the President's Coronavirus Guidelines for America (~~the "Guidelines"~~), which, included an additional 15 days to slow the spread of the COVID-19 virus. On May 1, 2020, the President implemented Guidelines for Opening Up America Again, a three-phased approach based on the advice of public health experts, which will help state and local officials when reopening their economies, getting people back to work, and continuing to protect American lives, including Gating Criteria to be satisfied prior to entering in to a Phased Comeback ("Guidelines"). ~~In furtherance of the Guidelines, the State of Florida, Miami Dade County, and the Village have issued numerous Emergency/Executive Orders closing parks, beaches, recreational facilities, travel, and nonessential businesses. Notwithstanding the Guidelines and the Emergency/Executive Orders,~~ The Village continues to experience an increase in the number of residents testing positive for the COVID-19 virus. ~~and a significant amount of non-vehicular travel to and through the Village.~~ Therefore, consistent with the Guidelines ~~and the above referenced Emergency/Executive Orders~~ and in an effort to further mitigate the spread of the COVID-19 virus, I, by virtue of the powers and duties vested in me as the Village Manager of the Village of Key Biscayne, Miami-Dade County, Florida, in accordance with Section 252.38 of the Florida Statutes, Chapter 9 of the Village Code, Resolution No. 2019-55 of the Village of Key Biscayne Village Council adopting the Village's Comprehensive Emergency Management Plan, and pursuant to the Village's Declaration of a State of Emergency issued at 4:20 p.m. March 13, 2020, hereby find that there is not only a legitimate, but a compelling governmental interest, in protecting the health, safety and welfare of the residents of Key Biscayne from the further spread of the COVID-19 virus and that it is necessary and crucial to declare the following:

1. Prohibited and permitted travel. All non-motorized vehicular travel, except as otherwise permitted herein, is prohibited within the Village.
2. Individuals providing Essential Government Functions. This Emergency Order shall not apply to individuals providing Essential Government Functions.
3. Essential Business Employees. This Emergency Order shall not apply to business owners/employees traveling to and from Essential Businesses.
4. Travel to Properties. This Emergency Order shall not apply to residents or non-residents traveling to and from their properties.

5. Recreational Activity. This Emergency Order shall not apply to residents engaging in outdoor recreational activity, including exercising.
6. Defined Terms. The following terms have the meanings provided below:
 - a. Essential Businesses shall be as defined by Miami-Dade County Executive Order 07-20, as amended, and as further defined by Village Emergency Orders.
 - b. Essential Government Functions means all services provided by the Federal, State, County, Village or other municipality, or agency of the government and needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including contractors performing Essential Government Functions. Included within this definition are those services provided by utilities.
 - c. Non-resident means a person who does not maintain his or her residence within the Village.
7. Severability. If the provisions of this Emergency Order are declared to be severable and if any section, sentence, clause or phrase of this Order shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Order but they shall remain in effect, it being the legislative intent that this Order shall stand notwithstanding the invalidity of any part.
8. Police Authorization. No individual shall violate the terms of this Emergency Order, except upon direct authorization of the Village of Key Biscayne Police Department.

I further find that the provisions of this Emergency Order are not only rationally related, but narrowly tailored and the least restrictive means, to achieve the goal of mitigating and slowing the spread of the COVID-19 virus. Accordingly, I hereby issue this Emergency Order **beginning April 22, 2020 at 12:01 a.m. and continuing until Monday May 11 at 6:00 p.m.**, within the jurisdictional limits of the Village of Key Biscayne. The Guidelines and State of Florida, Miami-Dade County, and Village Emergency/Executive Orders are all incorporated herein and by reference into this Emergency Order. This Emergency Order shall expire as provided herein. This Emergency Order may be cancelled earlier by action of the Village Manager.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Village of Key Biscayne to be affixed this 1st day of May, 2020 at 5:00 p.m. (EST).

ATTEST:



PETER J. KULPA, INTERIM VILLAGE CLERK



ANDREA M. AGHA, VILLAGE MANAGER

