

FIFTH AMENDMENT TO UPDATE #07-20

BAL HARBOUR EMERGENCY MEASURES

Isolation of Individuals Traveling to Bal Harbour

REVISED June 9, 2020 (5 PM)

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, after previously declaring a public health emergency and state of emergency, Governor Ron DeSantis issued Executive Order Number 20-80, which directed all individuals flying into the State of Florida from an area with substantial community spread, including the New York Tri-State Area (Connecticut, New Jersey and New York), to isolate or quarantine for a period of 14 days from the time of entry into the state or the duration of the person's presence in the state, whichever is shorter; and

WHEREAS, on March 24, 2020, Governor Ron DeSantis issued Executive Order Number 20-82, which further amends Executive Order 20-80, and applies the required isolation or quarantine period retroactively to individuals who have entered the State of Florida after being in an area with substantial community spread (the New York Tri-State Area and Louisiana) within the previous 14 days; and

WHEREAS, Bal Harbour Village is a known preferred location for second residences for persons from outside the State of Florida; and

WHEREAS, Florida was experiencing an increase in individuals fleeing to Florida from states where "shelter-in-place" orders are being implemented, especially from the New York Tri-State Area; and

WHEREAS, Bal Harbour Village was experiencing an increase in such arrivals from the New York Tri-State Area and other areas of substantial community spread, and originally applied this Order to a broader group of states than the Governor's Orders covered; and

WHEREAS, both the State of Florida and Miami-Dade County have now entered Phase I of re-opening, and the Village thus seeks to reduce the scope of its isolation

order to match the Governor's Orders for domestic travelers, while continuing to be stricter by applying the isolation requirements to international travelers.

NOW, THEREFORE, as Village Manager of Bal Harbour Village, Florida, and pursuant to the authority vested in me by 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 Village of 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 9, 2020 at 12:01 a.m.** (the "Order"):

1. All persons arriving in Bal Harbour Village by any means or mode of transportation from outside the United States or from the following areas of documented substantial community spread, as determined by the Centers for Disease Control and Prevention (CDC) data at www.cdc.gov, shall isolate or quarantine, as applicable, for their period of occupancy in Bal Harbour Village or for 14 days from the date occupancy in Bal Harbour Village is established, whichever is shorter:
 - Connecticut
 - New York
 - New Jersey
 - a. This Order shall not apply to persons employed by the airlines and those performing military, emergency or health response.
 - b. This Order shall not apply to persons who leave such isolation or quarantine for the sole purpose of seeking medical treatment.
 - c. This Order shall take effect immediately and apply retroactively to all persons who meet the definition of Section 1 above.
 - d. All persons isolating or quarantining under this Order shall be responsible for all costs associated with their isolation or quarantine, including transportation, lodging, food, medical care and any other expenses to sustain the person during the period of isolation or quarantine.
2. All persons covered under Section 1 of this Order shall immediately inform their Condominium Association Manager (or the Bal Harbour Police Department if they are not arriving to a multi-family dwelling) upon their arrival.
3. Condominium Association Managers shall provide the collected information to the Bal Harbour Police Department upon receipt of the information.

4. After warning, failure to follow this Order is a second-degree misdemeanor pursuant to Section 252.50, Florida Statutes, and is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both.
5. This Order may be further amended to include additional states where community spread is documented by the CDC.
6. This Order is in addition to, and supplements, the Village's Emergency Orders. 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.
7. 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.
8. I further find that the provisions of the Order are not only rationally related to, but are also narrowly tailored to the state of emergency. The Order is the least restrictive means of achieving the compelling governmental interest of mitigating and slowing the further spread of the COVID-19 virus in the Village and its concomitant impacts on the region's health care system serving the Village.

THE EMERGENCY MEASURES THAT HAVE BEEN ORDERED AND PROMULGATED ABOVE SHALL BE EFFECTIVE JUNE 9, 2020 at 12:01 a.m., UNTIL THE EXPIRATION OF THE BAL HARBOUR VILLAGE DECLARATION OF A STATE OF EMERGENCY DATED MARCH 13, 2020.

ATTEST:



Dwight S. Danie, Village Clerk



BAL HARBOUR VILLAGE, FLORIDA



Jorge M. Gonzalez, Village Manager

Date: June 9, 2020

Time: 5:00 p.m.