

RELEASE AND INDEMNIFICATION

VIRTUAL QUASI-JUDICIAL MEETINGS/HEARINGS

_____, as owner (“Owner”) of the property located at _____ and more particularly described as _____

_____ (the “Property”).

Owner, on behalf of itself, its respective heirs, successors, and assigns, acknowledges and agrees that:

1. On March 9, 2020, the Governor of the State of Florida issued Executive Order No. 20-52, declaring a state of emergency for the entire State of Florida. Said order was issued in response to the Coronavirus/COVID-19 emergency. Coronavirus/COVID-19 spreads easily from person-to-person. Consequently, the Centers for Disease Control and Prevention issued guidelines in order to slow the spread of the virus. Said guidelines advised that individuals should adopt far-reaching social distancing measures.

2. On March, 12, 2020, the Mayor of the City of Coral Gables, Florida declared a state of emergency for the City of Coral Gables as authorized by Section 252.38(3)(a), Florida Statutes, and Section 27-2(c)(6) of the City Code in response to the Novel Coronavirus Disease-2019 (COVID-19) and on March 25, 2020, the Mayor issued a “Safer at Home” Emergency Order urging all residents to remain in their residences, subject to enumerated exceptions. While the Mayor on May 16, 2020 issued an Emergency Order Allowing for the Limited Re-opening of Restaurants and Certain Establishments with Conditions, as amended, that amended the Safer at Home Order, the Limited Re-opening Order still provided that “[a]ll persons residing within the City of Coral Gables continue to be urged to remain in their residences.”

3. Adhering to social distancing poses a problem for government bodies as it is well established in opinions issued by the Florida Attorney General that in order to establish a quorum, the requisite number of members must be physically present in the room and that if a quorum is physically present, the participation of an absent member by telephone/video is permissible due to extraordinary circumstances. Finding it necessary and appropriate to take action to ensure that Coronavirus/COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure, on March 20, 2020, the Governor issued Executive Order No. 20-69, suspending any section of the Florida Statutes that “requires a quorum to be present in person or requires a local government body to meet a specific public place.” Executive Order No. 20-69 expressly permits local government bodies to utilize communications media technology, such as telephone and video conferencing, as provided in section 120.54(5)(b)(2), F.S.

4. Executive Order No. 20-69 requires that local government bodies adopt rules of procedure for virtual meetings in accordance with section 120.54(5)(b)(2), F.S. At the March 31, 2020 City

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Commission meeting, the Commission approved Rules of Procedure for virtual meetings (Resolution No. 2020-074) and at the April 21, 2020 City Commission meeting, the Commission approved Rules of Procedure for virtual quasi-judicial meetings (Resolution No. 2020-90). The nature of virtual meetings makes it uniquely difficult to ensure strict compliance with all the legal requirements associated with quasi-judicial meetings. Consequently, the City has determined that virtual quasi-judicial hearings will only be scheduled where doing so is required by law, doing so will avoid further delays that may be detrimental to the City, the item has been previously deferred more than two (2) times, the item involves an educational institution, hospital/healthcare center, or governmental institution, building, or public works projects, or doing so is required to protect the rights of a party. Additionally, the City requests that any party choosing to proceed with a virtual quasi-judicial meeting provide this Release and Indemnification of the City.

5. Owner has elected to proceed with a quasi-judicial hearing at this time (the “Hearing”) regarding the Property, acknowledging and understanding that the hearing must be held virtually in compliance with all CDC guidelines and executive/emergency orders, including the Governor’s Executive Orders 20-91 and 20-92, Miami- Dade County Emergency Order 12-20, and the City’s own “Safer at Home” Declaration.

6. Owner acknowledges and agrees that proceeding with a virtual quasi-judicial hearing presents unique challenges. Therefore, Owner acknowledges and agrees that proceeding with the Hearing shall be at his/her/its own risk and fully releases the City from any responsibility or liability, whatsoever, relating to, arising out of, or as a result of, in whole or in part, the virtual nature of the Hearing.

7. Further, Owner hereby agrees to indemnify, defend, protect, save, and hold harmless the City, its elected and appointed officials, attorneys, agents, employees, and consultants from and against any and all claims, losses, costs, damages, expenses (direct, indirect, or consequential) liability, and causes of action of any nature whatsoever, including but not limited to reasonable attorneys’ fees and costs, including appellate fees and costs, relating to, arising out of, or as a result of, in whole or in part, the virtual nature of the Hearing.

[SIGNATURES ON FOLLOWING PAGE]

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IN WITNESS WHEREOF, Owner has executed this Agreement on this ____ day of _____, 2020.

OWNER

[NAME]
[TITLE]

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of []physical presence or [] online notarization, on this ____ day of _____, 2020, by _____, who is personally known to me or has produced _____ as identification.

My Commission expires:

NOTARY PUBLIC, State of Florida