



**MONROE COUNTY EMERGENCY MANAGEMENT**

**EMERGENCY DIRECTIVE 20-06**

**April 7, 2020**

**SUBJECT: EMERGENCY RULES FOR USE OF COMMUNICATIONS MEDIA  
TECHNOLOGY FOR PUBLIC MEETINGS**

WHEREAS, on March 9, 2020, the Governor declared a State of Emergency for the State of Florida in Executive Order 20-52 as a result of the COVID-19 outbreak; and

WHEREAS, on March 15, 2020, the Mayor declared a State of Local Emergency in order for the County to take actions to protect the health, safety, and welfare of the community due COVID-19; and

WHEREAS, the Governor issued Executive Order 20-69 on March 20, 2020 suspending any requirement in Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place; and

WHEREAS, Executive Order 20-69 further authorizes local government bodies to utilize communications media technology, such as telephonic and video conferencing; and

WHEREAS, that the Mayor's declaration and Section 11-3 of the Monroe County Code vest the Emergency Management Director with the authority to issue emergency directives; and

WHEREAS, the County Commission and other county boards, committees, and panels that are required to meet in the Sunshine cannot meet without the adoption of rules; and

WHEREAS, it is necessary for the County Commission and other county boards, committees, and panels to meet to conduct the business of the County; and

WHEREAS, holding a public meeting by traditional means of gathering in one location would violate the due to the social distancing guidelines issued by the Centers for Disease Control and various executive orders issued by the Governor; and

WHEREAS, the Governor issued Executive Order 20-91, directing all Floridians to stay at home unless conducting essential services or engaged in essential activities; and

WHEREAS, the County Attorney has consulted with the Attorney General's Office on the requirements necessary to hold a meeting exclusively via communications media technology; and

WHEREAS, the Administrator of the Monroe County Health Department has advised that due to the social distancing directives against public gatherings that is advisable to only conduct the meeting using communications media technology and advised against designating a public place for members of the public to gather and give comment to the Board; and

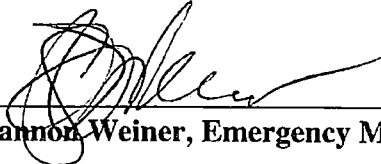
WHEREAS, the County Attorney has drafted rules that are consistent with and implement the intent of Executive Order 20-69 and the Government in the Sunshine Law;

WHEREAS, in the interests of protecting the health, safety, and welfare of the residents and visitors to Monroe County, it is:

ORDERED that

1. Monroe County's Temporary Rules for Use of Communications Media Technology During the COVID-19 Emergency as set forth in Exhibit A to this directive are hereby adopted effective immediately. These rules shall remain effective as long as Executive Orders 20-52 and 20-69 are in effective, including an extensions, or until rescinded by the Board of County Commissioners, whichever occurs first.
2. Per F.S. 252.46(2), this order shall take effect immediately upon being filed with the Monroe County Clerk.

Signed: \_\_\_\_\_



**Shannon Weiner, Emergency Management Director**

Date: April 7, 2020 Time: 9<sup>00</sup> am

Approved as to form and legal sufficiency in advance.

Robert B. Shillinger, Monroe County Attorney

## Exhibit A

### MONROE COUNTY'S TEMPORARY RULES FOR USE OF COMMUNICATIONS MEDIA TECHNOLOGY DURING COVID-19 EMERGENCY

These rules are promulgated pursuant to the authority set forth in Executive Order 20-69, issued by Governor DeSantis on March 20, 2020:

#### Section. 1. Definitions and Applicability

1. For purposes of these rules, the term “agency” shall mean the County Commission, one of its duly constituted advisory committees, and/or a committee of county staff serving in any capacity that triggers the applicability of the Government in the Sunshine Law, chapter 286, Florida Statutes.
2. The term “*communications media technology*” (abbreviated “CMT”) shall have the same meaning as provided for in F.S. 120.54(5)(b)2, and chapter 2017-214, Laws of Florida.
3. These rules are separate and distinct from those rules adopted in Resolution 299-2017, for purposes of implementing 2017-214, Laws of Florida.
4. For purposes of these rules, the term “meeting” means any gathering of two or more members of the County Commission, one of its duly constituted advisory committees, and/or a commission of county staff serving in any capacity that triggers the applicability of the Government in the Sunshine Law, chapter 286, Florida Statutes. The term “meeting” including a public hearing or workshop meeting.
5. Meetings of the County Commission or one of its duly constituted advisory committees or of County staff, which are required to be held in public as set forth in F.S. 286.011 may be held by CMT provided such meeting follows these rules.

#### Section 2. Conducting Proceedings by Communications Media Technology (CMT):

1. A meeting may be held exclusively by CMT.
2. If technical issues arise during a CMT meeting that prevent all interested persons from attending, the meeting shall terminate until the problems have been corrected. Termination of the meeting shall not be required if at least one means of audio communication remains available.

3. When a meeting is to be held via CMT, the County shall provide notice in the same manner as required by a non-CMT meeting, shall plainly state that such a meeting is to be conducted using CMT, and identify the specific type of CMT to be used. Multiple methods of CMT are permissible for conducting a meeting. The County must provide notice to describe how interested persons may attend. That notice shall include:
  - a. The method by which a member of the public may access the meeting using CMT.
  - b. An address, email, and phone number where a person may write/call for additional information; and
  - c. The address, email, and designated person to whom someone may submit written or other physical evidence which he/she intends to offer into evidence during a CMT proceeding.
4. Any evidence, testimony, argument, or other information which is offered utilizing CMT shall be afforded equal consideration as if it were offered in person, and shall be subject to the same objections. In situations where sworn testimony is required by the agency, person(s) offering such testimony shall be responsible for making appropriate arrangements for offering sworn testimony including but not limited to providing for the attendance of a notary public or other official authorized by law to place a person under oath.
5. All agency meetings at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, decision, or formal action shall be considered binding except as taken or made at such meeting.
6. Pursuant to Section 2 of Executive Order 20-69, a quorum may be established by members attending the meeting via CMT.