

**EXECUTIVE ORDER REGARDING COVID-19
(GUIDELINES FOR USE OF COMMUNICATIONS MEDIA TECHNOLOGY)**

WHEREAS, in response to the emergence of a Novel Coronavirus and the respiratory disease it causes (“COVID-19”), the World Health Organization (WHO) has officially characterized COVID-19 as a pandemic that constitutes a Public Health Emergency of International Concern; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency as a result of COVID-19; and

WHEREAS, on March 2, 2020, Seminole County Chairman Jay Zembower executed Executive Order 2020-001, declaring a Local State of Emergency under the provisions of Chapter 72, Seminole County Code, due to the serious health threat to those within the County arising from and related to COVID-19; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis Issued Executive Order 20-52 declaring a state of emergency for the State of Florida as a result of COVID-19; and

WHEREAS, COVID-19 continues to pose an imminent health hazard and an increased risk of infection to residents of Seminole County and healthcare, first responders, and emergency medical service workers caring for patients with COVID-19; and

WHEREAS, local governments have raised concerns about their ability to hold meetings through teleconferencing and other technological means in order to protect the public and fellow Centers for Disease Control and Prevention guidance regarding social distancing and avoiding gatherings of more than ten (10) people; and

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order 20-69, which: (1) suspended the statutory requirement for a physically present quorum of the local government body, and (2) allowed local governments to utilize communications media technology for their meetings pursuant to Section 120.54(5)(b)(2), Florida Statutes; and

WHEREAS, the procedures adopted in this Order are necessary to safely conduct the business of the County and provides notice, fair procedure, public participation, and a sufficient opportunity to be heard in accordance with Chapter 286, Florida Statutes, and the Florida Constitution,

NOW, THEREFORE, BY THE AUTHORITY VESTED IN ME, IT IS HEREBY ORDERED THAT:

Section 1. Adoption. This Order hereby adopts the Governor’s Executive Order 20-69, which sets forth the following:

(1) Any law, ordinance, rule, charter provision, or other regulation that requires a quorum to be physically present in a particular location for a meeting of the Board of County Commissioners or any other board or committee is suspended.

(2) Any law, ordinance, rule, charter provision, or other regulation that would impede the use of communications media technology for meeting of the Board of County Commissioners or nay other board or committee is suspended.

(3) The Board of County Commissioners and other boards and committees may utilize communications media technology, such as telephonic and video conferencing, as provided in Section 120.54(5)(b)(2), Florida Statutes.

(4) This Order does not waive any other requirement of the Florida Constitution and Florida’s Government in the Sunshine Laws.

Section 2. Definitions and Applicability.

(1) For purposes of these rules, the term “Agency” means the Seminole County Board of County Commissioners, Planning and Zoning Commission, Board of Adjustment, Animal Control Board, Code Enforcement Board, or Special Magistrate, one of Seminole County’s duly constituted advisory committees, 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”) has the same meaning as provided in Section 120.54(5)(b)(2), Florida Statutes.

(3) For purposes of these rules, the term “meeting” means any gathering of two or more members of an Agency. The term “meeting” including a public hearing or workshop meeting.

(4) Meetings of an Agency may be held by CMT provided such meeting follows these rules.

Section 3. Conducting Proceedings by Communications Media Technology (CMT):

(1) A meeting cannot proceed exclusively by CMT if the available technology is insufficient to permit all interested persons to attend.

(2) If technical issues arise during a CMT meeting that prevent all interested persons from attending, the meeting must terminate until the problems have been corrected. Termination of the meeting will 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, plainly state in such notice that such a meeting is to be conducted using CMT, and identify in such notice the specific type of CMT to be used. Multiple methods of CMT are permissible for conducting a meeting. The Agency must provide notice to describe how interested persons may attend and the notice must include all the following:

(a) The address of all access points, if any, specifically designating those that are in locations normally open to the public.

(b) The address of each access point, if any, where a person may go to attend the meeting.

(c) An address, email, and phone number at any one of which a person may write or call for additional information.

(d) The address, email, and designated person to whom and the deadline by which someone may submit written or other physical evidence that he or she intends to offer into evidence during a CMT proceeding.

(4) Any evidence, testimony, argument, or other information that is offered using CMT will be afforded equal consideration as if it were offered in person, and will be subject to the same objections. In situations where sworn testimony is required by the Agency, persons offering such testimony will 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. In such situations, the following procedures, which are based on the procedures adopted by the Florida Supreme Court for the Florida court system in Administrative Order No. AOSC20-16, will apply:

(a) Notaries and other persons qualified to administer an oath in the State of Florida may swear a witness remotely by CMT from a location within the State of Florida, provided they can positively identify the witness.

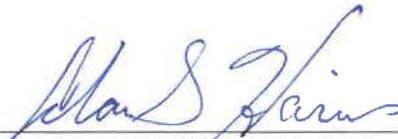
(b) If a witness is not located within the State of Florida, a witness may consent to being put on oath through CMT by a person qualified to administer an oath in the State of Florida.

(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 will 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.

Section 4. Effective Date; Expiration Date. This Order shall become effective upon its execution. This Order will expire upon the rescension or expiration of the existing Local State of Emergency or the rescension or expiration of the Governor's Executive Order 20-69, whichever occurs earlier.

ORDERED this 10 day of April, 2020; at 1645.

By: 
ALAN HARRIS, Chief Administrator
Office of Emergency Management

