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APR 01 2020
CITY MANAGER

CITY OF KEY WEST

STATE OF LOCAL EMERGENCY DIRECTIVE 2020-04

**IMPLEMENTATION OF GOVERNOR'S EXECUTIVE ORDER 20-69 AND
ESTABLISHING TEMPORARY RULES FOR USE OF
COMMUNICATIONS MEDIA TECHNOLOGY (CMT) TO ALLOW
HOLDING OF "VIRTUAL" MEETINGS DURING COVID-19
EMERGENCY**

WHEREAS, on March 1, 2020, the Governor of Florida, Ron DeSantis, issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of Coronavirus Disease 2019 (COVID-19); in Florida; and

WHEREAS, on March 1, 2020, the State Health Officer and Surgeon General issued a Declaration of Public Health Emergency, stating that COVID-19 is a threat to public health in Florida;

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency because of COVID-19; and

WHEREAS, on March 15, 2020, at 3:15 p.m. the City of Key West declared a State of Local Emergency; and

WHEREAS, the Centers for Disease Control (CDC) has issued guidance entitled "15 Days to Slow the Spread," encouraging social distancing and maintaining a 6-foot separation between residents to slow the spread of infection and that event and/or social gatherings of groups of more than 10 people. This guidance was extended for an additional 30 days on March 31, 2020; and

WHEREAS, the City has issued three emergency directives as the enactment of the local state of emergency undertaken pursuant to Florida Statutes permits the City of Key West to take whatever action is necessary to insure the health, safety and welfare of the community;

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order 20-69, which: (1) suspended any 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 (2) provided that local government bodies may utilize communications media technology, such as telephonic and video conferencing, as provided in Section 120.54(5)(b)(2), Florida Statutes; but did not waive any other requirement under the Florida Constitution and "Florida's Government in the Sunshine Laws," including Chapter 286, Florida Statutes; and

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WHEREAS, Executive Order 20-69 expires at the expiration of Executive Order 20-52, including any extension; and

WHEREAS, pursuant to Section 252.46, Florida Statutes, political subdivisions are authorized and empowered to make, amend, and rescind such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the provisions of Sections 252.31-252.90, Florida Statutes, such orders and rules have full force and effect of law, and all existing laws, ordinances, and rules inconsistent with any order or rule issued under the authority of such statute shall be suspended during the period of time and to the extent that such conflict exists; and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in the City of Key West remain safe and secure; and

WHEREAS, the City of Key West wishes to apply uniform communications media technology (“CMT”) meeting procedures, while applying Florida Statutes, Section 120.54(5)(b)(2), and taking into consideration the limited guidance of Rule 28-109, F.A.C.

WHEREAS, the entry of this Order, together with Executive Order 20-69, will allow the City of Key West government bodies to continue to function and hold public meetings while adhering to the recommended social distancing measures through the use of communications media technology (“CMT”).

NOW THEREFORE, as Mayor and City Manager of the City of Key West, we hereby order:

1. Executive Order 20-69 is hereby adopted by reference.
2. Due to the Covid-19 Emergency the following Temporary Rules for Use of Communications Media Technology During Covid-19 Emergency are hereby adopted:

**CITY OF KEY WEST’S TEMPORARY RULES FOR USE OF
COMMUNICATIONS MEDIA TECHNOLOGY DURING COVID-19
EMERGENCY**

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

I. Definitions and Applicability

A. For purposes of these rules, the term “agency” shall mean the City, its Commission, one of its duly constituted advisory boards or commissions, and/or a committee of city staff serving in any capacity that triggers the applicability of the Government in the Sunshine Law, chapter 286, Florida Statutes.

B. 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.

C. For purposes of these rules, the term “meeting” means any gathering of two or more members of the City Commission, one of its duly constituted advisory boards or commissions, and/or a commission of city staff serving in any capacity that triggers the applicability of the Government in the Sunshine Law, chapter 286, Florida Statutes. The term “meeting” includes a public hearing or workshop meeting.

D. Meetings of the City Commission or one of its duly constituted advisory board, commissions or of City 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.

II. Conducting Proceedings by Communications Media Technology (CMT):

A. A meeting may not be held exclusively by CMT without making provisions for attendance by any member of the public who lacks ability to attend by CMT and therefore desires to attend in person at a minimum of one public building or location within the City.

B. A meeting cannot proceed exclusively by CMT if the available technology is insufficient to permit interested persons to attend.

C. If technical issues arise during a CMT meeting that prevent 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.

D. When a meeting is to be held via CMT, the City 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 how the public can access and participate in the meeting. Multiple methods of CMT are permissible for conducting a meeting. The City will initially provide notice describing how interested persons may attend including:

- i. The address of access point(s), specifically designating those which are in location(s) open to the public;
- ii. The address of each access point where a person may go to attend the meeting;
- iii. An address, email, and phone number where a person may write/call for additional information; and

iv. 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.

v. Supplemental or alternative methods of notice and opportunity for public participation may be augmented, altered or amended as the need may arise allowing the City to meet the requirements of the Sunshine Law while utilizing CMT procedures.

E. 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.

F. 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.

G. Pursuant to Section 2 of Executive Order 20-69, a quorum may be established by members attending via CMT.

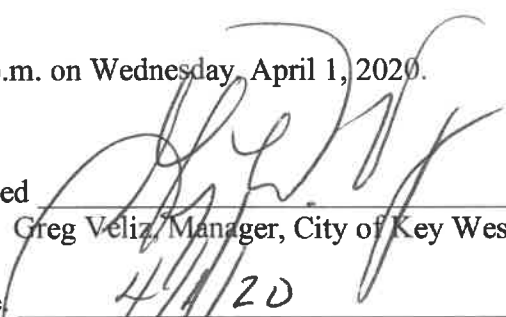
3. This directive does not affect or limit the operations of the City of Key West, any public utility, the Monroe County School District, or any County, State or Federal office or facility, except that such entities shall abide by the restriction of any County, municipal, State or Federal emergency order, as applicable.

4. The provisions of this order shall serve as minimum standards.

5. The conditions specified herein shall be assessed as necessary and this directive shall remain in effect until superseded, repealed or upon expiration of the local state of emergency, including any extensions thereof.

6. This directive shall take effect at 5:00 p.m. on Wednesday, April 1, 2020.

Signed 
Teri Johnston, Mayor, City of Key West

Signed 
Greg Veliz, Manager, City of Key West

Date: 4/1/20

Date: 4/1/20

Time: 11:37 A.M.

Time: 5:57 pm