



OFFICE OF THE MANAGER
EMERGENCY ORDER 20-02
SPECIAL RULES FOR USE OF COMMUNICATION TECHNOLOGY

WHEREAS: at 5:52 PM, March 9, 2020 a State of Emergency was declared by Governor Ron DeSantis of the State of Florida, Executive Order No. 20-52 and Miami-Dade County executed a Declaration of Local State of Emergency effective 8:51 AM, March 12, 2020 following the discovery of the dangerous and highly contagious COVID 19 Virus; and

WHEREAS: based on the imminent threat to the life, health and wellbeing of our residents and pursuant to powers provided in Florida Statutes § 252.38 and the Town of Miami Lakes Code, on March 12, 2020, the Town of Miami Lakes declared a State of Emergency to be in existence; and

WHEREAS: in order to combat the spread of this deadly virus, the State of Florida and Miami-Dade County have issued various orders, including Miami-Dade County Executive Orders: 06-20, 07-20, 08-20 and 09-20, which have closed parks and beaches, non-essential businesses, restricted congregating in social places and encouraged social distancing by prohibiting the congregation of ten or more persons at any given location throughout Miami-Dade County; and

WHEREAS: COVID-19 poses an imminent health peril to Miami Lakes residents, especially the elderly and those with a compromised immune system; and

WHEREAS: Florida Statutes Chapter 286, requires that all public meetings be in the sunshine, provide and allow public access, and require the physical presence of the governing board for quorum; and

WHEREAS: physical quorum in light of COVID 19 may frustrate emergency orders promulgated by the State of Florida and Miami-Dade County and is contrary to the public policy of social distancing; and

WHEREAS: on March 20, 2020, Governor Ron DeSantis issued Executive Order 20-69, attached hereto as Exhibit "A," which suspended physical presence quorum requirement for public meetings, and provided authority for virtual meetings via communication media technology; and


WHEREAS: in order to address the safety concerns presented by the COVID-19 menace to our Town residents, Council and Staff, by promoting social distancing and eliminating the gathering of large groups of persons, it is necessary to use technology in order to connect our Town residents, Council and Staff and conduct essential municipal meetings; and

WHEREAS: Florida Statute § 120.54 and Florida Administrative Rules 28-109, provide direction for local governments to create rules to conduct public meetings via communication media technology, and provide a framework for these rules in order to protect public access and ensure that meetings are conducted in the sunshine; and

THEREFORE: as Town Manager of the Town of Miami Lakes, I, Edward Pidermann pursuant to Florida Statutes §252.38 and Governor Ron DeSantis Executive Order Number 20-69 hereby authorize the use of Communication Media Technology, suspend the requirement of physical presence for Town Council and Planning and Zoning proceedings, and in furtherance of these measures establish the Town of Miami Lakes Special Rules for Communication Media Technology Proceedings attached hereto as Exhibit "B." This Order shall remain in effect until rescinded by a subsequent Order, by an action by the Town Council, or an Order from Governor Ron DeSantis.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Town of Miami Lakes to be affixed this 26 day of March at 5:00 p.m./a.m. (EST).

ATTEST:



Edward Pidermann, Town Manager



GINA INGUANZO, Town Clerk

EXHIBITS

- Exhibit "A" – Florida Governor Ron DeSantis Declaration of State of Emergency, Executive Order No. 20-69.
- Exhibit "B" - Town of Miami Lakes Special Rules for Communication Media Technology Proceedings.

EXHIBIT “A”

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-69

(Emergency Management – COVID-19 – Local Government Public Meetings)

WHEREAS, on March 1, 2020, I 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 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention (“CDC”) issued the “15 Days to Slow the Spread” guidance advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than 10 people; and

WHEREAS, on March 17, 2020, I wrote a letter to Attorney General Ashley Moody seeking an advisory opinion regarding concerns raised by local government bodies about their ability to hold meetings through teleconferencing and other technological means in order to protect the public and follow the CDC guidance regarding social distancing; and

WHEREAS, on March 19, 2020, Attorney General Ashley Moody delivered an opinion to me indicating that certain provisions of Florida law require a physical quorum be present for local government bodies to conduct official business, and that local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in person, or that the in person requirement for constituting a quorum is lawfully suspended during the state of emergency; and

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

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. I hereby suspend 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.

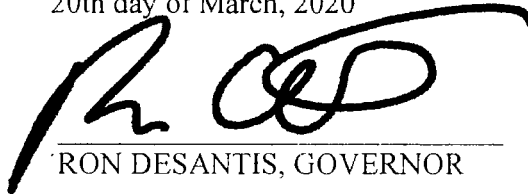
Section 2. Local government bodies may utilize communications media technology, such as telephonic and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes.

Section 3. This Executive Order does not waive any other requirement under the Florida Constitution and “Florida’s Government in the Sunshine Laws,” including Chapter 286, Florida Statutes.

Section 4. This Executive Order shall expire at the expiration of Executive Order 20-52, including any extension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 20th day of March, 2020



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

2020 MAR 20 AM 9:38

EXHIBIT “B”



SPECIAL RULES COMMUNICATION MEDIA TECHNOLOGY

Pursuant to Governor Ron DeSantis Executive Order Number 20-69, Florida Statute § 120.54, and Florida Administrative Rules, Chapter 28-109, and Town of Miami Lakes Emergency Order 20-02, the following are rules will ensure that the Council, Planning and Zoning Board and any other necessary Town Public Meeting, governed by Florida's public meeting laws will provide for necessary public notice, allow for public participation and are conducted in the Sunshine. Therefore, the following rules shall govern all virtual meetings during the duration of Executive Order Number 20-69:

1. All State, County, local ordinances, and resolutions not affected by these special rules shall be considered in full effect.
2. Scheduling of Council and Planning and Zoning meetings shall follow the existing meeting schedule, subject to change by the Council or Planning and Zoning Boards, respectively.
3. Meetings shall be conducted via Zoom or other similar platform; Council and Board Members need not be present in Town Hall to constitute presence for quorum.
4. All meetings shall abide by Florida Statute Chapter 119, known as Florida Public Records Law.
5. All meetings shall provide the opportunity for ADA compliant accommodations.
6. Public Notice of meetings shall be posted in Town Hall and distributed via the Town website, www.miamilakes-fl.gov, and the Town's social media sites of Facebook, Instagram and Twitter.
7. Public Notice shall contain the following information:
 - a. Location of meeting, and location where electronic equipment will be maintained;
 - b. Electronic sites where the meeting can be viewed;
 - c. Physical address, e-mail address, telephone number and Zoom Sign in where Public Comments can be provided;
 - d. Physical Address, Email Address, Telephone Number and Zoom Sign in where Public can inquire for information on meeting;
 - e. (Quasi-Judicial Proceedings) A physical or e-mail address, and designated person to whom a person may submit written or other physical evidence which he or she intends to offer into evidence during the proceedings.
8. Public Comments shall occur first in the agenda, prior to the commencement of the Council or Planning and Zoning business agenda. Once all Public Comments have been

**SPECIAL RULES FOR
COMMUNICATION MEDIA TECHNOLOGY**

- heard or read into the record, the Public Comments portion of the agenda shall end, and the Council or Planning and Zoning Meeting portion of the agenda shall begin.
9. Meetings will be live-streamed via a zoom platform and will be livestreamed. Meetings can be viewed at <https://www.miamilakes-fl.gov/meetings>, or listened via audio by dialing in at a number to be provided prior to the meeting.
 10. Public Comments can be provided via: <https://www.miamilakes-fl.gov/remotecomments>
 11. If at any time during the public meeting the ability of the public to listen and participate is interrupted due to a technical problem, the public meeting shall immediately terminate until such time as the technical problem is corrected.
 12. These rules shall take effect, March 26, 2020 and can be amended by the Manager or Town Council as necessary, and shall be in effect until such time as the rules are rescinded by the Manager or Town Council or at the expiration of Governor DeSantis Executive Order Number 20-69.

Signed on ____ day of _____, 2020.

Edward Pidermann, Town Manager