

Administration Commission Rule 28-109 – Conducting Proceedings by Communications Media Technology

Effective January 15, 2007

Lays out the rules regarding holding meetings electronically and the requirements therein. Florida Statute 1002.33 indicates that “members of the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission”.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=28-109>

28-109 CONDUCTING PROCEEDINGS BY COMMUNICATIONS MEDIA TECHNOLOGY

28-109.001 Purpose.

This chapter provides the procedures to be followed when an agency desires to conduct a proceeding by means of communications media technology (CMT) or to provide public access to a proceeding by the use of CMT.

28-109.002 Definitions as Used in this Rule Chapter.

(1) “Access point” means a designated place where a person interested in attending a communications media technology proceeding may go for the purpose of attending the proceeding.

(2) “Attend” means having access to the communications media technology network being used to conduct a proceeding, or being used to take evidence, testimony, or argument relative to issues being considered at a proceeding.

(3) “Communications media technology” (CMT) means the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available.

28-109.003 Application and Construction.

(1) The agency may conduct a proceeding by using CMT and may provide CMT access to a proceeding for purposes of taking evidence, testimony, or argument.

(2) A proceeding is not a CMT proceeding merely because it is broadcast over a communications network.

28-109.004 Government in the Sunshine.

(1) Nothing in this chapter shall be construed to permit the agency to conduct any proceeding otherwise subject to the provisions of Section 286.011, F.S., exclusively by means of CMT without making provision for the attendance of any member of the public who desires to attend.

(2) No proceeding otherwise subject to Section 286.011, F.S., shall be conducted exclusively by means of CMT if the available technology is insufficient to permit all interested persons to attend. If during the course of a CMT proceeding technical problems develop with the communications network that prevent interested persons from attending, the agency shall terminate the proceeding until the problems have been corrected.

28-109.005 Notice.

When the agency chooses to conduct a CMT proceeding, it shall provide notice in the same manner as required for a non-CMT proceeding, and shall plainly state that such proceeding is to be conducted utilizing CMT and identify the specific type of CMT to be used. The notice shall describe how interested persons may attend and shall include:

(1) The address or addresses of all access points, specifically designating those which are in locations normally open to the public.

(2) The address of each access point where an interested person may go for the purpose of attending the proceeding.

(3) An address, e-mail address, and telephone number where an interested person may write or call for additional information.

(4) An address, 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 CMT proceedings.

28-109.006 Evidence, Testimony, and Argument.

(1) Any evidence, testimony, and argument 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.

(2) In situations where sworn testimony is required by the agency, persons offering such testimony shall be responsible for making appropriate arrangements for offering sworn testimony.

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