

MEMORANDUM

Agenda Item No. 11(A)(12)

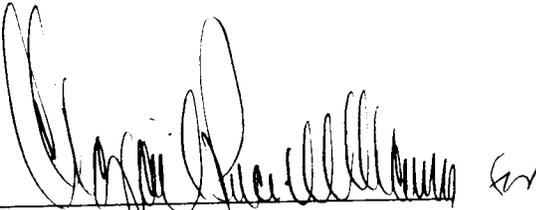
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 1, 2010

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to pass legislation
allowing local governments
to use government websites
and email for public notices
and legally-required
advertisements

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsor Commissioner Bruno A. Barreiro.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 1, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A) (12)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(12)
3-1-11

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS SB 914, HB 89 OR SIMILAR LEGISLATION
ALLOWING LOCAL GOVERNMENTS TO USE
GOVERNMENT WEBSITES AND EMAIL FOR PUBLIC
NOTICES AND LEGALLY-REQUIRED ADVERTISEMENTS

WHEREAS, in at least 74 different places in statute, Florida law currently requires local governments to publish legal advertisements and public notices in newspapers; and

WHEREAS, many of these statutory requirements have been in place for decades, some have not been changed for 50 years or more, and a few are almost a century old; and

WHEREAS, while these statutory legal advertisement and public notice requirements have remained static, the way people receive information has changed dramatically over the last few decades; and

WHEREAS, newspaper circulation and readership has declined, while increasing numbers of people receive information via the internet and email; and

WHEREAS, while decades ago newspapers may have been the most effective means to disseminate legal advertisements and public notices, there are now more effective ways to reach the public by way of government websites and email; and

WHEREAS, the internet and email not only offer more effective ways to reach the public, but such media also are more cost effective; and

WHEREAS, publishing hundreds of legal advertisements and public notices in newspapers continues to be a substantial expense to local governments; and

WHEREAS, last year, Miami-Dade County budgeted more than \$1 million publishing legal advertisements and public notices in newspapers; and

WHEREAS, in these tight budget times when every dollar counts, the County could realize a savings while at the same time improving access to legal advertisements and public notices if state law were revised to allow the use of the County website and email for legal advertisements and public notices; and

WHEREAS, bills were filed during the 2010 legislative session, SB 376 by Senator Charles S. "Charlie" Dean (R – Inverness) and HB 1511 by Representative Ritch Workman (R – Melbourne), that would have allowed local governments to provide public notices and legal advertisements on a government website and via email rather than publishing them in newspapers, but these bills did not pass; and

WHEREAS, bills related to website public notices and legal advertisements have been filed for consideration during the 2011 session, SB 914 by Senator Mike Bennett and HB 89 by Representative Ritch Workman; and

WHEREAS, this Board would support passage of SB 914, HB 89 or similar legislation providing for website public notices and legal advertisements,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to pass SB 914, HB 89 or similar legislation allowing local governments to use government websites and email for public notices and legally-required advertisements.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation, Senator Mike Bennett and Representative Ritch Workman.

Section 3. Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs that the 2011 and 2012 State Legislative Packages be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz and the Co-Sponsor is Commissioner Bruno A. Barreiro. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of March, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty