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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 11(A)(5)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: October 20, 2009

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

SUBJECT: Resolution urging the Florida
Legislature to pass SB 376 or
similar legislation allowing
local governments to use
government websites and
email to comply with statutory
public notice and legal
advertisement requirements

Resolution No. R-1218-09

The accompanying resolution was prepared and placed on the agenda at the request of
Prime Sponsor Vice-Chairman Jose "Pepe" Diaz.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: October 20, 2009

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

SUBJECT: Agenda Item No. 11(A)(5)

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)(5)

10-20-09

RESOLUTION NO. R-1218-09

**RESOLUTION URGING THE FLORIDA LEGISLATURE TO
PASS SB 376 OR SIMILAR LEGISLATION ALLOWING
LOCAL GOVERNMENTS TO USE GOVERNMENT
WEBSITES AND EMAIL TO COMPLY WITH STATUTORY
PUBLIC NOTICE AND LEGAL ADVERTISEMENT
REQUIREMENTS**

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 for 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 2009 legislative session, SB 2292 by Senator Ronda Storms and HB 1477 by Miami-Dade Delegation Chair Juan Zapata, 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, a Senate bill on website public notices and legal advertisements has been filed for consideration during the 2010 session, SB 376 by Senator Charles S. "Charlie" Dean, Sr. (R – Inverness),

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 376 or similar legislation allowing local governments to use government websites and email to comply with statutory public notice and legal advertisement requirements.

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

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 2010 State Legislative Package be amended to include this item.

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

Dennis C. Moss, Chairman	aye		
Jose "Pepe" Diaz, Vice-Chairman	aye		
Bruno A. Barreiro	aye	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of October, 2009. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JMM

Jess M. McCarty

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