

MEMORANDUM

Agenda Item No. 7(C)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 2, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to publication of legal advertisements and notices; creating section 1-8 of the Code; providing for publication of legally required advertisements and notices on a publicly accessible website of the County, as permitted by section 50.0311 of the Florida Statutes

Ordinance No. 24-32

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator René García, and Co-Sponsors Commissioner Juan Carlos Bermudez and Commissioner Kevin Marino Cabrera.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: April 2, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance relating to publication of legal advertisements and notices; creating section 1-8 of the Code; providing for publication of legally required advertisements and notices on a publicly accessible website of the County, as permitted by section 50.0311 of the Florida Statutes

The proposed ordinance would create Section 1-8 of the Code of Miami-Dade providing for publication of legally required advertisements and notices on a publicly accessible website of the County, as permitted by Section 50.0311 of the Florida Statutes.

Fiscal Impact

Miami-Dade County has an established publicly accessible website (legalads.miamidade.gov) which currently serves as a centralized hub for hosting legal and public notices. However, at this time it does not meet the requirements of section 50.311, as this website is limited to County notices. To meet the requirement of section 50.311, the County would need to make the website available to municipalities.

By leveraging the County's enterprise technology solutions for web content management, online advertisement placement, and electronic distribution, expanding access to municipalities should be able to be accomplished with current in-house resources. Costs related to technical and training expenses, including additional software licenses, and potential expansion of storage capacity needed to accommodate cities could be passed through to participating cities by securing Interlocal Agreements.

The statute also requires that notice is provided at least once per year in a newspaper of general circulation or another publication that is mailed or delivered to all residents and property owners throughout the government's jurisdiction, indicating that property owners and residents may receive legally required advertisements and public notices from the governmental agency by first-class mail or e-mail upon registering their name and address or e-mail address with the governmental agency. The estimated cost of providing this notice ranges from approximately \$1,200.00 to \$3,500.00 based on our negotiated rates with qualifying publications.

The County would also be required to "maintain a registry of names, addresses, and e-mail addresses of property owners and residents who have requested in writing that they receive legally required advertisements and public notices from the governmental agency by first-class mail or e-mail." The County currently utilizes an enterprise technology solution that can fulfill this requirement without additional resources. Individual departments would be responsible for bearing the cost of their first-class mailings, which are expected to be minimal.

This ordinance does not affect publishing requirements contained in the Miami-Dade County Home Rule Charter, nor to state or federal law imposing additional publishing requirements.

A handwritten signature in blue ink that reads "Jimmy Morales".

Jimmy Morales
Chief Operations Officer

Memorandum



Date: April 2, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink, reading "Daniella Levine Cava".

Subject: Social Equity Impact Statement for Ordinance relating to publication of legal advertisements and notices; creating section 1-8 of the Code; providing for publication of legally required advertisements and notices on a publicly accessible website of the County, as permitted by section 50.0311 of the Florida Statutes

The proposed ordinance would create Section 1-8 of the Code of Miami-Dade providing for publication of legally required advertisements and notices on a publicly accessible website of the County, as permitted by Section 50.0311 of the Florida Statutes.

Social Equity Impact

The proposed ordinance authorizes the County to post legally required advertisements and notices on a County-designated publicly accessible website.

Opting for online legal and public notice placements offers a positive social impact in amplifying the visibility of Miami-Dade County's notices, aligning with the prevailing trend of increased online engagement among our residents. In contrast, the print sector continues to experience instability with circulation numbers trending down over the past decade. Despite this, costs have continued to rise, posing an inequitable challenge.

Conversely, over the past two years, the legalads.miamidade.gov webpage has garnered 14,774 and 19,962 page views, respectively. Furthermore, the County's email communications have attracted over 19,000 subscribers for legal and public notices, with bi-weekly distributions reaching their inboxes directly.

In addition, the County will disseminate advertisements across various community periodicals in multiple languages to reach segments of our diverse population that rely on these publications for their information as well as our online placements.

The ordinance fosters social benefits to our wide-ranging audience through miamidade.gov, a secure, accessible, centralized, trusted source for information from Miami-Dade County government, which is easily found via search engines. Additionally, as the majority of our website users do so on mobile devices, these pages scale automatically and are ADA compliant ensuring broad accessibility.

A handwritten signature in blue ink, reading "Jimmy Morales".

Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: April 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(C)

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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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. 7(C)
4-2-24

ORDINANCE NO. 24-32

ORDINANCE RELATING TO PUBLICATION OF LEGAL ADVERTISEMENTS AND NOTICES; CREATING SECTION 1-8 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR PUBLICATION OF LEGALLY REQUIRED ADVERTISEMENTS AND NOTICES ON A PUBLICLY ACCESSIBLE WEBSITE OF THE COUNTY, AS PERMITTED BY SECTION 50.0311 OF THE FLORIDA STATUTES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, section 50.011 of the Florida Statutes provides requirements relating to the publication of legal notices, including requirements relating to the types of newspapers and print publications that may be utilized for official legal advertisements and notices placed by local governments; and

WHEREAS, section 50.011 also provides that such advertisements and notices may instead be placed on a publicly accessible website, as provided in section 50.0311; and

WHEREAS, section 50.0311 in turn provides that “[a] governmental agency may use the publicly accessible website of the county in which it lies to publish legally required advertisements and public notices if the cost of publishing advertisements and public notices on such website is less than the cost of publishing advertisements and public notices in a newspaper”; and

WHEREAS, section 50.0311 further provides that, if a governmental agency utilizes a publicly accessible County website to provide required advertisements and notices, a link to such advertisements and notices shall be conspicuously placed “[o]n the website’s homepage or on a page accessible through a direct link from the homepage” and “[o]n the homepage of the website of each governmental agency publishing notices on the publicly accessible website or on a page accessible through a direct link from the homepage”; and

WHEREAS, in addition, the statute requires any governmental agency using a publicly accessible County website to publish advertisements and notices to also “provide notice at least once per year in a newspaper of general circulation or another publication that is mailed or delivered to all residents and property owners throughout the government’s jurisdiction, indicating that property owners and residents may receive legally required advertisements and public notices from the governmental agency by first-class mail or e-mail upon registering their name and address or e-mail address with the governmental agency,” and to “maintain a registry of names, addresses, and e-mail addresses of property owners and residents who have requested in writing that they receive legally required advertisements and public notices from the governmental agency by first-class mail or e-mail”; and

WHEREAS, this Board finds that to the extent the cost of publishing advertisements and public notices on a County-designated publicly accessible website is less than the cost of publishing advertisements and public notices in a newspaper, it is in the best interest of the County to maintain a County website in accordance with section 50.0311, so that the County, and possibly other governmental agencies located within the County, may utilize the website to provide legal advertisements and notices; and

WHEREAS, however, the County Code contains requirements that various legal advertisements and notices be placed in a newspaper of general circulation or similar print publication; and

WHEREAS, these requirements to advertise or provide notice in a newspaper are ubiquitous throughout the County Code, appearing in innumerable chapters and sections; and

WHEREAS, accordingly, this Board wishes to create a new provision in the County Code to specifically address online publication of County legal advertisements and notices, and to provide that such County advertisements and notices may be placed on a publicly accessible website of the County, to the extent permitted by law,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The foregoing recitals are approved and incorporated herein.

Section 2. Section 1-8 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:¹

Chapter 1 – GENERAL PROVISIONS

* * *

>>Sec. 1-8. *Advertisement and notice by publication on publicly accessible website of the County.*

- (a) Notwithstanding any provision to the contrary, wherever in this Code an advertisement or notice is required to be published by the County in a newspaper of general circulation or other print publication, such advertisement or notice may instead be provided on a publicly accessible website, as permitted by chapter 50, Florida Statutes, provided that:
 - (1) The cost of providing advertisements and public notices on such website is less than the cost of publishing advertisements and public notices in a newspaper;
 - (2) Publication on such website conforms with the requirements of section 50.0311, Florida Statutes; and

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(3) Publication on such website is made within the time frame required by this Code for the respective advertisement or notice, and includes all information required by the respective Code provisions.

(b) Nothing in this section shall be deemed to supersede or supplant any specific requirements in the Miami-Dade County Home Rule Charter relating to where advertisements or notices must be published. In addition, to the extent state or federal law imposes additional requirements relating to the publication of particular advertisements or notices, nothing in this section shall be deemed to supersede or supplant such requirements.<<

* * *

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

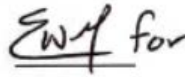
Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

April 2, 2024

Approved by County Attorney as
to form and legal sufficiency:

for

Prepared by:

James Eddie Kirtley
Cynji A. Lee



Prime Sponsor:

Senator René García

Co-Sponsors:

Commissioner Juan Carlos Bermudez

Commissioner Kevin Marino Cabrera