

MEMORANDUM

Amended
Agenda Item No. 11(A)(3)

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

DATE: April 2, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County
Mayor to take all necessary steps
to provide for publication of
legal advertisements and public
notices on a publicly accessible
website of the County, in
accordance with section 50.0311,
Florida Statutes

Resolution No. R-281-24

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García and Co-Sponsor Commissioner Juan Carlos Bermudez.



Geri Bonzon-Keenan
County Attorney

GBK/uw



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: Amended
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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 _____

Amended
Agenda Item No. 11(A)(3)
4-2-24

RESOLUTION NO. R-281-24

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO PROVIDE FOR PUBLICATION OF LEGAL ADVERTISEMENTS AND PUBLIC NOTICES ON A PUBLICLY ACCESSIBLE WEBSITE OF THE COUNTY, IN ACCORDANCE WITH SECTION 50.0311, FLORIDA STATUTES

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 [County] 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 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, the County currently maintains a website at legalads.miamidade.gov, which is used to provide notice of Sunshine meetings and courtesy notice of matters that are legally advertised or noticed via a newspaper, but this website has not yet been designated by the County as a publicly accessible website for legal advertisements and notices pursuant to section 50.0311 or made compliant with the requirements of that section; 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, if other governmental agencies located within the County were to be interested in utilizing a publicly accessible website of the County to provide advertisements and notices, the County may wish to enter into interlocal agreements with such governmental agencies to address, among other things, costs and protections to the County; and

WHEREAS, accordingly, this Board wishes to direct the administration to take all necessary steps to implement the allowance for online publication, as provided in section 50.0311,

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

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

Section 2. This Board hereby directs the County Mayor or County Mayor's designee to take all necessary steps to provide for publication of legal advertisements and public notices on a publicly accessible website of the County, in accordance with section 50.0311, Florida Statutes and subject to legally available funding. Within 30 days of the effective date of this resolution, the administration shall undertake a cost assessment to verify that online publication will be less expensive than publishing legal advertisements and public notices in a newspaper, consistent with section 50.0311(3). If the County Mayor or County Mayor's designee determines that it would not be less expensive, then, within 60 days of the effective date of this resolution, the administration shall prepare a report for this Board detailing the cost assessment and shall place the completed report on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure. Otherwise, within 60 days of the effective date of this resolution, the County Mayor or County Mayor's designee shall proceed to: (a) create a County website to be used by governmental agencies within the County to publish legal advertisements and notices in compliance with the requirements of section 50.0311; or (b) modify the existing County website at legalads.miamidade.gov for this purpose; or (c) procure the necessary goods

and services to create and/or maintain such a website. Thereafter, within 90 days of the effective date of this resolution, the County Mayor or County Mayor's designee shall place a report detailing the status of the implementation on an agenda of the full Board without committee review pursuant to rule 5.06(j) of the Board's Rules of Procedure and, to the extent additional time is required, shall continue to provide the Board with reports in this manner, at 90-day intervals, until such implementation is complete.

Section 3. This Board further directs the County Mayor or County Mayor's designee to develop a form interlocal agreement for use by the County and another local government in Miami-Dade County when such local government wishes to utilize the County's website to publish legal advertisements and notices. Such interlocal agreement shall include provisions to ensure that the use of the County's website for such purposes shall be at no cost to the County, and such interlocal agreement shall address and provide for, at a minimum, indemnification of and duty to defend the County, costs and payment to the County, and a definite agreement term not to exceed 5 years, with a possible option to renew. The County Mayor or County Mayor's designee shall present the form interlocal to this Board for approval, and shall include information pertaining to the development of the form interlocal agreement in the reports to this Board required by Section 2 above.

Section 4. Other governmental agencies that use a publicly accessible website of the County to publish legally required advertisements and public notices are not prohibited from maintaining their own websites for purposes of providing additional notice. Those governmental agencies shall provide the County with a link to their advertisements and public notices, which shall be conspicuously placed on the County's designated website. As defined in section 50.0311 of the Florida Statutes, the term "governmental agency" means a county, municipality, school board, or other unit of local government or political subdivision of this state.

The Prime Sponsor of the foregoing resolution is Senator René García and the Co-Sponsor is Commissioner Juan Carlos Bermudez. It was offered by Commissioner **Sen. René García** , who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of April, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.



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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley
Cynji Lee

A handwritten signature in blue ink, appearing to read "James", is written over a horizontal line.