

New Business and Commission Requests - R9 Y

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
 FROM: Vice-Mayor Michael Gongora
 DATE: May 12, 2021

SUBJECT: DISCUSSION REGARDING HOW HOUSE BILL 35 (LEGAL NOTICES) WILL AFFECT THE CITY OF MIAMI BEACH.

ANALYSIS

Please place on the May 12 agenda, to discuss House Bill 35 (Legal Notices), which looks likely to become law. The Senate version kept the legal notices provision of State law, but it added provisions that would allow smaller publications to publish legal notices.

Current State law essentially only allows the publication of legal notices in newspapers that 1) publish at least once per week and 2) are offered for sale. Any legal notice published in a newspaper must also be published on a newspaper's website. Generally, only larger newspapers meet these requirements. The City utilizes the Miami Herald to place to publish its legal notices. Last fiscal year, the City spent \$89,468.50 on Miami Herald legal notices.

The Senate's measure would allow any newspaper with at least 10% readership in a County or Municipality, as calculated by a combination of its print circulation and online readership, to post paid legal notices. This would allow free newspapers and mostly online publications to benefit from legal notice revenue. There is also a carve-out in the bill to allow some newspapers in smaller counties to post legal notices even if they do not meet these circulation requirements.

I request that the City Clerk to determine, based on the provisions of House Bill 35, if additional newspapers in the County or City qualify to publish legal notices. If so, will there be any savings if publication of legal notices shifted to these additional newspapers? Please see Miami Herald article attached. Please feel free to contact Diana Fontani should you need any additional information.

SUPPORTING SURVEY DATA

N/A

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Vice-Mayor Michael Gongora

ATTACHMENTS:**Description**

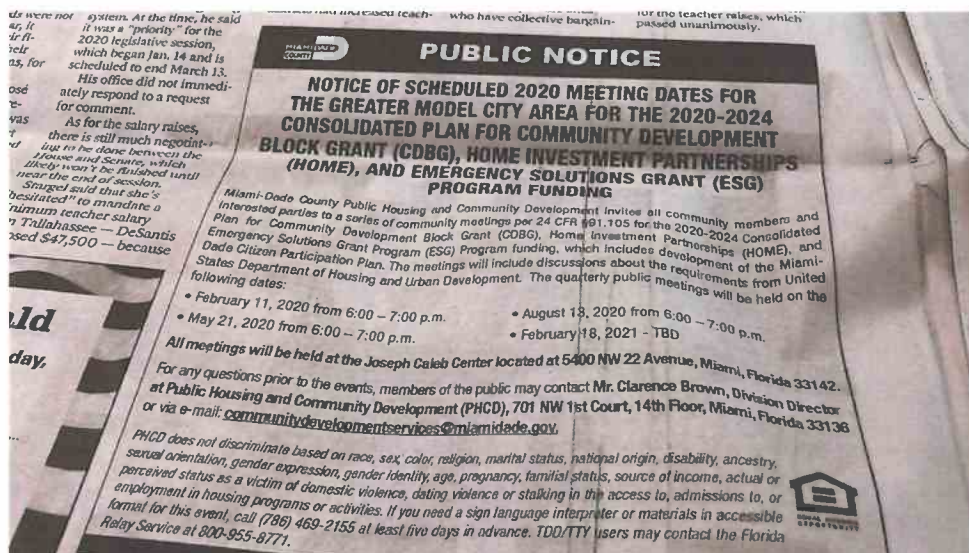
□ Lawmakers Miami Herald

FLORIDA POLITICS

Legislature modifies, advances changes to publication of legal notices in newspapers

BY KIRBY WILSON HERALD/TIMES TALLAHASSEE BUREAU

APRIL 29, 2021 03:53 PM, UPDATED APRIL 29, 2021 07:37 PM



This public notice ad was published Monday, February 3, 2020, in the Miami Herald.
MIAMI HERALD FILE PHOTO



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TALLAHASSEE

In March, the Florida House passed a bill which would have stripped many Florida news organizations of a key source of advertising revenue.

After weeks of negotiations between Republican lawmakers and lobbyists for the state's newspaper industry, that bill, [House Bill 35](#), looks likely to become law. It cleared the Senate unanimously — and the House by a vote of 105-9 — on Thursday.

But the current version of the bill looks much different than it did when it first cleared the House. The original bill essentially removed a provision from state law that required legal notices to be published in certain newspapers. (Those notices cost local governments money — at most 70 cents for every square inch of advertisement.)

Mother killed, her 3-year-old daughter hurt in drive-by shooting in SW Dade, cops say

The Senate version kept the legal notices provision of state law intact, but it added several caveats that would allow smaller publications to join the market.

Sen. Ray Rodrigues, R-Estero, the Senate sponsor who guided the bill through weeks of negotiations with Florida press advocates, said his goal was to drive down advertising costs for local governments by introducing more competition to the legal notices market.

Rep. Randy Fine, R-Palm Bay, whose measure cleared the chamber in March, had a similar goal.

If Gov. Ron DeSantis signs the bill into law, it would mark the end of a years-long effort to reform Florida legal notice law.

Fine's original House bill accomplished the goal of ending what he said was a corporate monopoly over legal notices by allowing for the notices to be published on local government websites instead of in newspapers.

The Florida Press Association, which includes most of the state's newspapers among its members — including the Tampa Bay Times, the Miami Herald and the Bradenton Herald — did not support Fine's original bill. Its members argued that the proposed changes would have buried legal notices in obscure government websites.

This would be bad for democracy, they said, because Floridians get important information from legal notices. For example, the notices tell people when their governments will vote on local budgets. The association currently runs a free website, floridapublicnotices.com, where thousands of the notices are published every month.

Fine argued that legal notices are already buried — in tiny six-point font on the pages of newspapers that few Floridians read. The newspaper industry is merely looking out for its bottom line, he's argued.

"It is not my job to keep dying industries afloat," Fine said in an interview earlier this month.

But after Fine saw his bill pass the House, he kept in close touch with Rodrigues as

the senator guided the bill through his chamber. The product of their work, which passed the Senate Thursday, has the support of the Florida Press Association.

Current state law essentially only allows the publication of legal notices in newspapers which publish at least once per week and are offered for sale. Any legal notice published in a newspaper must also be published on a newspaper's website. Generally, only larger newspapers meet these requirements.

The Senate's measure would allow any newspaper with at least 10% readership in a given county or municipality — as calculated by a combination of its print circulation and online readership — to post paid legal notices. This would allow free newspapers and mostly online publications to benefit from legal notice revenue. There's also a carve-out in the bill to allow some newspapers in smaller counties to post legal notices even if they don't meet these circulation requirements.

"The latest version of the bill ultimately gives our citizens more notice by expanding notice to more publications," wrote Jim Fogler, the Florida Press Association's president and CEO, in an email.

Some of the state's larger newspapers stand to lose revenue from the changes, said Joe DeLuca, the Tampa Bay Times' executive vice president and general manager.

But DeLuca, who also serves on the Florida Press Association's board of directors, nonetheless lauded HB 35 as a "free-market solution." He said the measure would expand legal notice access to the many Floridians who get news from smaller and more online-dependent outlets.

"If we were selfish about it at the Times, we would want to keep it the way it is," DeLuca said. "But we recognize that times have changed."

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UPDATED 2 HOURS 34 MINUTES AGO

BY JOEY FLECHAS

MAY 04, 2021 06:00 AM, UPDATED 2 HOURS 27 MINUTES AGO



A chat over cafecito between Miami Mayor Francis Suarez and potential 2024 presidential candidate Nikki Haley has sparked rumors he could have a chance to be on the GOP ticket — and questions of whether the mayor's politics fit into the Republican party's future platform.

Already the subject of flattering media coverage related to his recruitment of tech startups to Miami, the 43-year-old Cuban-American mayor has entertained the conjecture about his future, even if it somewhat overshadows his current reelection campaign. In the weeks since his City Hall meeting with Haley, a former South Carolina governor and member of Donald Trump's cabinet, Suarez has told Politico "I would never say never," and the New York Times he "wouldn't say no" if asked to join a presidential ticket.

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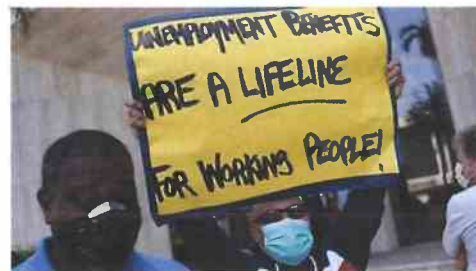
UPDATED 4 HOURS 43 MINUTES AGO



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MAY 04, 2021 6:00 AM



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MAY 04, 2021 5:00 AM



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UPDATED MAY 01, 2021 03:13 PM



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