OFFICIAL COURT NEWSPAPER OF SOUTH FLORIDA
DailyBusinessReview.com
An ALM Publication VOL. 97, NO. 44 $2.00

dbr DAILY BUSINESS REVIEW

Developers Secure $83M Construction Loan for New 'Hollywood Bread Building'

by Melea VanOstrand

The site of a long-neglected building in downtown Hollywood will get new life as a Fort-Lauderdale developer has secured an $83 million construction loan.

BTI Partners, in partnership with Bridge Investment Group, a real estate investment manager headquartered in Salt Lake City, Utah, secured the loan. The development will include 362 market-rate apartments and about 16,000 square feet of retail space on Young Circle. They bought the site for $11 million in 2021.

The site, at 1727-1745 Van Buren St.,1700-1716 Harrison St. and 1740-1760 S. Young Circle is a step toward the revitalization of the west end of downtown Hollywood.

The site was once home to the Hollywood Bread Building, which was demolished last year. The new building will keep the Hollywood Bread Building name.

The transaction was brokered by Cushman & Wakefield's equity, debt and structured finance team, which includes Steve Kohn, Chris Lentz and Chris Moyer, who identified The Canadian Imperial Bank of Commerce as the lender.

SEE DEVELOPERS, PAGE A2

Where Is Big Law Still Looking to Grow? Miami May Be the Answer

ADOBE STOCK

While law firm leaders want to keep growing in the largest U.S. cities, the surge of activity in Miami may not be over.

by Andrew Maloney

Even with deal demand slowing down, law firms are still planning on growing this year in New York, California and Washington, D.C. And the surge of firms in Miami may not be over.

Miami was the second-most popular choice for Big Law respondents when asked which regions they were targeting for head count growth or office openings in 2022, and it was the only tier 2 legal market among the top five answers, according to a recent ALM survey.

The Q2 2022 Flash Survey from ALM Intelligence and LawVision, which polled the 500 largest firms in the U.S., found that 38% of respondents had their eyes set on Miami. Only the greater New York region, with 43% of respondents, was selected more frequently.

SEE BIG LAW, PAGE A2

Florida Appeals Court: Public Adjuster's Third-Party Action Against Law Firm Lacks Required Evidence

by Colleen Murphy

Florida's Fourth District Court of Appeal has ruled that a public adjuster, who sued a law firm in a third-party action over the denial of an insurance claim, did not have the material facts necessary to establish a third-party claim, according to the opinion.

According to the appeals court's Aug. 17 opinion in *The Dental Law Firm v. The People's Choice Public Adjusters*, two insureds hired People's Choice to report a property loss claim to their insurer. But the insurer did not contact the property adjuster until 93 days later requesting an inspection of the property. The public adjuster rejected the insurer's request for inspection due to the belief that the request was untimely pursuant to Florida's statute which requires inspection within 90 days.

The insurer denied the claim. Subsequently, according to the opinion, the insureds, now represented by The Dental Law Firm, filed a breach of contract action against the insurer. In response, the insurer filed a summary judgment motion arguing the insureds had not permitted a property inspection as the policy required. The law firm did not file a response or affidavit on the insureds' behalf arguing that the insurer's request to inspect the property had been untimely and the circuit court ultimately

MELANIE BELL

"A predecessor circuit court held a hearing on the law firm's motion to strike," stated Judge Jonathan D. Gerber in his written opinion for the court. "During the hearing, the law firm introduced its legal services agreement with the insureds. The public adjuster claimed it was seeing the agreement for the first time."

SEE ADJUSTERS, PAGE A4

Law Firms Likely to Make 'Course Corrections' as Inflation Challenges Billing

by Andrew Maloney

If inflation remains at current levels, law firm billing rate increases won't be able to keep pace. But firm leaders may make other "course corrections" to capture profits through the end of 2022, analysts say, by utilizing leverage and alternative pricing models and making additional investments in technology.

Firms will also likely consider heftier billing rate hikes next year, some say, after a year in which expenses have rebounded considerably from the COVID-19 pandemic.

While high-dollar corporate work has cooled and overall demand is flat, standard billing rates have risen 5.8% in 2022, according to a six-month report this week from Wells Fargo Private Bank Legal Specialty Group. That may seem like a significant increase, but it's less than the standard increases the group calculated for 2020 (5.9%) and 2021 (6.7%).

SEE BILLING, PAGE A2

dbr | Florida Public Notices VERIFIED

Permit No	Permit Type	PO of Permit	Owner Name	Publication Name	Address	Permit Status	Periodicals Office	PO of Permit Fin No
344300	PE	MIAMI, FL 33152-9998	DAILY BUSINESS REVIEW	DAILY BUSINESS REVIEW	1 SE 3RD AVE STE 1750 MIAMI FL 33131-1704	ACTIVE	OE	115850

PUBLIC NOTICES & THE COURTS

Public notices, court information and business leads, including foreclosures, bid notices and court calendars. **B1**

Public notices from Miami-Dade, Broward and Palm Beach also available at **www.law.com/dailybusinessreview/public-notices**
Public notices are also published on the statewide legal notice website at **FloridaPublicNotices.com**

Should you have delivery questions, call 1.877.256.2472

Daily Business Review is published daily Monday through Friday, except legal holidays, by ALM Media, LLC, 1 SE 3rd Ave., Suite 1750, Miami, FL 33131, (305) 377-3721.

Subscription Rates: One year (253) issues - basic (in dividual and small firms) $575.88 plus tax; discounted group rates available. Single copies (M-F) - $2.
Back issues when available (M-F) - $6. Periodicals postage paid at Miami, FL.
POSTMASTER: Send address changes to Daily Business Review, 1 SE 3rd Ave, Suite 1750, Miami, FL 33131

LEGALTECH NEWS

Larger Firms Lag Smaller Counterparts in Adopting Cloud Technologies

See Page A16

FROM PAGE A1

BILLING

Joe Mendola, senior director of sales for the Wells Fargo group, also noted it's on the low side of what firms were preparing for last fall. The group surveyed firm leaders in the third quarter of 2021 and found they were budgeting for rate increases roughly between 6% and 7%. The slightly less-than-expected amount "reflected the effect of business mix," the report stated.

"There's been less transactional business, less higher-value M&A business, and I think that's had a little bit of a depressing impact on the rate increase," Mendola said in an interview.

He said if firm leaders could have a mulligan this year, they'd probably try to raise billing rates higher. He said some firms conceivably could have implemented midyear increases, but that with a demand increase of only 0.2% overall, there probably weren't that many that tried.

However, Mendola said that inflation could impact next year's rate increases, too. He said this year is the only one he recalls where inflation has outpaced legal industry rate increases.

"If you go back the last decade, inflation has been below standard rate increases for the legal industry, so I think that'll be a bigger factor for when firms are budgeting for 2023," Mendola said. "And it would be my expectation that at the end of August next year, standard rate increases will be above what they were this time around. Particularly if you're looking at inflation around 8%."

Inflation isn't guaranteed to stay at that level. In fact, multiple projections suggest it will decrease in the coming year. However, it's a challenge the industry hasn't really had to face in recent memory.

Bill Josten, strategic content manager for Thomson Reuters, called rates underperforming inflation a "huge" issue, noting that billing rates have usually been around 2 points higher than inflation for most of the last decade. "It was something we didn't have to think about," Josten said.

"Now, with inflation where it is, there's no way to really keep rates above inflation. You could try to raise them at 1% to 2% points above inflation, but I don't think the clients would be particularly happy about it. And in a market where we see this much volatility, and clients wrapping their head around 'How do we do more with less?' raising rates above inflation is not realistic."

Instead, Josten said, firms should think about other levers of profitability—maintaining billing discipline that's been part of firms' pandemic success, and effectively utilizing timekeeper mixes.

An analysis published by Fairfax Associates this week acknowledged an increase in effective rates and subsequent pricing pressure for clients over the last year, and suggested firms "get creative about meeting client budget requirements through alternative pricing, project management, increased efficiency, and cost-effective staffing approaches."

Josten, of Reuters, said the upshot of his group's most recent Law Firm Financial Index report is not that profits this year are doomed—but rather, firms should be proactive in making adjustments so they can remain profitable.

"I think that's really more of what the index is telling us—take a look at potential warning signs there, make some course corrections," he said. "And what those course corrections are going to be is different from firm to firm.

Direct expenses for law firms increased 12.4% in the second quarter of this year, while overhead increased 13.5%, according to that same report. Some of that is a result of low baselines last year while the industry was still coming out of total remote work.

TECHNOLOGY, CONSOLIDATION ON THE RISE

There was also a real, durable acceleration in technology use—tech spend grew at its fastest pace in nearly a decade, the report stated, with the average firm seeing a 10.5% increase.

Gretta Rusanow, head of advisory services within Citi Private Bank's Law Firm Group, said in an interview this week that she's also witnessed an uptick in law firms' use of technology. She said firms doubled down on that kind of infrastructure to get them through remote work during the pandemic. She said firms are still investing in cybersecurity and cloud computing as a result.

But they've also increased their use of technology to help them become more profitable, and would be wise to continue.

"I'm seeing more and more around data analytics, and I think that plays very well in terms of this focus on business development, and figuring out, 'How are we going to grow this firm, and where are those opportunities?'" she said.

"There's no question this industry couldn't possibly have performed the way it did from 2020 on but for the tech investments made prior to COVID, and I think it has given firms a renewed appreciation for what else they could do more efficiently with technology," Rusanow added.

Even if 2021's rate increases are lower compared to recent years, many clients have still gone out of their way to reduce the number of law firms they work with. Firms, in response, are also trying to increase their wallet share with existing clients, cross-selling other practices and getting more involved in their business to capture additional opportunities.

Those have been durable trends, and they could continue or accelerate, especially if firms are looking for ways to maintain profits without being able to keep pace with inflation.

Chris Wilson, a partner at Taylor English Duma, said while his firm uses a different model with lower overhead, it wouldn't be surprising if big companies looking to drive efficiencies continue to collapse the number of firms they use—especially if it leads to flexible pricing.

"Because the more volume you provide a Big Law firm, the more you might be able to ask for discounts or lower rates or blended rates, or whatever the mechanics are," he said. "That to me would make a lot of sense, because I think Big Law firms, their price points are really, really high, and it wouldn't surprise me in the least that, in order to get a handle on it, because they rely so much on outside counsel, and in order to do it, they're giving them more volume."

Andrew Maloney covers the business of law, focusing on national and global law firms. Contact him at amaloney@alm.com.

FROM PAGE A1

DEVELOPERS

"We are pleased to have been involved in the financing of this game-changing development, which will help meet the demand for more housing opportunities in Hollywood as its strategic location continues to attract residents and businesses to the city," said Kohn in a press release.

Saul Ewing Arnstein & Lehr attorneys Luis Flores, Michael Denberg and Sophia Rub represented the developer in closing the transaction.

"The new Hollywood Bread Building will bring pedestrian activity to the ArtsPark and to the many businesses on Young Circle eager to grow and thrive," said Denberg, managing partner of Saul Ewing's Fort Lauderdale office. "This is the perfect urban location to create a highly-desired live, work, play and enjoy the environment."

Noah Breakstone, CEO of BTI Partners, said the new development will inject new life into the area.

"Overlooking ArtsPark, easy access to amazing beaches and close proximity to South Florida's largest employment hubs, the new mixed-use development will be a tremendous asset for the city and residents looking to live, work and play in Hollywood's east urban core," said Breakstone in a press release.

The developer is also planning a second project to replace a rundown strip mall near the Bread Building with modern twin towers on the east side of Young Circle. The project will include residential living, shops and restaurants, office space, and a skywalk to connect the towers.

David Coelho, chief investment officer of Bridge Development and Opportunity Zones, said he's grateful for the support received from residents, community leaders and elected officials.

"Bridge is excited to bring a development of this quality to Young Circle for Hollywood residents to enjoy," said Coelho. "We look forward to continuing construction and turning our vision into reality."

Both projects together will cost over $500 million of investments in Hollywood's Young Circle neighborhood.

Melea VanOstrand is ALM's South Florida real estate reporter. For story ideas, email her at mvanostrand@alm.com. Want to see the latest real estate news? Follow Melea on her Twitter or Facebook pages.

FROM PAGE A1

BIG LAW

Those markets were followed by some of the usual suspects: Southern California (Los Angeles, San Diego, Orange County), Northern California (San Francisco and Silicon Valley), and Washington, D.C., each had 29% of survey respondents targeting head count growth. The next tranche included Texas, Charlotte, Raleigh, and Boston at 19%, followed by Philadelphia and Chicago with 10% each.

South Florida has already attracted a surge of law firms. Kirkland & Ellis, Winston & Strawn, King & Spalding, Sidley Austin and Quinn Emanuel Urquhart & Sullivan have all opened offices in Miami in roughly the last year. The area has enticed law firms due to a growing base of technology and finance clients, amid population growth.

"Because people are moving there, and some of the private equity decision-makers are moving to Florida, firms are essentially following their clients to South Florida," said Lisa Smith, a principal at Fairfax Associates.

Smith added that Miami may be trending higher still because, compared with major markets at least, it's relatively untapped.

For instance, Washington, D.C. — behind Miami in the survey as the target of head count growth this year — is already the second-most crowded legal market in the U.S. based on lawyer head count at firms, according to the most recent NLJ 500 rankings, with more than 14,000 lawyers at NLJ 500 firms and 224 offices in that segment already. Meanwhile, Los Angeles is the fourth highest, with more than 7,200 lawyers and 154 offices in the NLJ 500.

Miami might be ahead of California and D.C. because most firms are already in those markets, Smith said. "They may still need to grow, and there are far fewer firms in Miami. And if they aren't already there, there may be a compelling client reason [to expand there]," she added.

Florida is already beating out most other major markets in revenue and demand in 2022. According to an analysis by the Wells Fargo Legal Specialty Group, revenue among Florida firms grew 12% during the first six months of the year, the highest among all regions calculated and twice the national average of 6%.

Demand also increased 3.5% in Florida, "well above" the national average, which was essentially flat at 0.2% for the first half of the year, Wells Fargo said. Florida was also the only region with an increase in net income, with an 8% growth mark versus a 9.5% average decline across all firms.

OTHER MARKETS

In comparison, law firms based in New York saw 4% revenue growth, along with a 3% decrease in demand and a 12.5% decrease in net income, "reflecting the slowdown in transactional activity, especially in the capital markets," the Wells Fargo analysts wrote.

California showed "reasonable" revenue and demand growth, posting 7.5% and 1.5% gains, respectively, "but suffered from high expense growth, resulting in lower earnings," the analysts wrote. The group surveyed more than 120 firms, and the regional variation reflects weighted results of firms headquartered in those respective areas.

Other markets mentioned by firms in the ALM/LawVision survey include secondary and emerging markets, including Denver, Indianapolis, Las Vegas, Nashville and Phoenix. The value proposition for large firms in those cities includes lower costs and the lure of new opportunities.

One of the hottest secondary markets last year, Salt Lake City, was not in the top responses in the ALM/LawVision survey. That doesn't necessarily mean momentum in the market is stopping — Holland & Hart just announced several additions in Salt Lake City this week, for instance.

But some industry observers wondered earlier this year if economic volatility could cap some office openings in general, and longtime Salt Lake City firm leaders suggested there was an "experimental" flavor to the rush in 2021.

For his part, Holland & Hart tax practice leader Steve Young said population and economic growth in the Mountain West region has been explosive, and should generally continue in that direction going forward.

"I just think it's a well-kept secret that people are discovering, that it's a great place to live and work," he said in an interview this week. But he also wondered whether the changing national economic picture would squelch the legal gold rush in Salt Lake City, at least a bit.

"I'm very curious, [with] the economy shifting a little bit nationally, if that will impact the huge rush to open offices in Salt Lake," he said. "And I think that well could."

Andrew Maloney covers the business of law, focusing on national and global law firms. Contact him at amaloney@alm.com.

FLORIDA LEGAL REVIEW

DeSantis Chalks Up Wins in School Board Races

by Ryan Dailey

Gov. Ron DeSantis took the unusual step this year of campaigning for county school-board candidates and saw most of them win Tuesday night, as the governor and local Republicans seek to elect conservative members to the boards and, at least in some cases, create conservative majorities.

In the run-up to Tuesday's primary elections, DeSantis released a slate of 30 endorsements of what he called "pro-parent" candidates for school boards. Nineteen of those candidates won races outright on Tuesday, and six advanced to the November general election. DeSantis campaign spokeswoman Lindsey Curnutte said the campaign is counting the results as 25 wins.

Since July, the governor's political committee, Friends of Ron DeSantis, has given $1,000 contributions to all 30 candidates, which the campaign billed as the first time a governor has made "significant" investments in the nonpartisan races.

But the last two years have seen school boards become partisan battlegrounds. DeSantis and his administration have engaged in high-profile clashes with school boards that he accused of not respecting parental rights on issues such as mask requirements during the COVID-19 pandemic.

DeSantis also made weekend appearances leading up to the primaries to boost his favored candidates.

"This is new, particularly for Republicans. Because that had basically been, unions would back candidates and that would be it. And so now, I think more parents are interested, some of our voters are interested. We have no consequential races, really, statewide that are competitive. So you have a situation where this may be one reason why people are motivated. So we tried to help out this weekend," DeSantis said Tuesday.

After Tuesday's results, some county Republican parties celebrated a "flip" in the makeup of school boards.

DIEGO M. RADZINSCHI

Gov. Ron DeSantis' campaign highlighted "two major wins" In Miami-Dade County by school-board candidates Monica Colucci and Roberto Alonso.

The Duval County Republican Party celebrated the election of April Carney and re-election of board member Charlotte Joyce, both DeSantis-backed candidates.

"These victories officially FLIP the School Board to majority registered Republicans 4-3. More importantly it rejects the WOKE indoctrination, sexualization, and Marxist policies that have been allowed to occur and puts the power back into the hands of PARENTS!" an email from the Duval County GOP said Tuesday night.

DeSantis' campaign also highlighted "two major wins" In Miami-Dade County by school-board candidates Monica Colucci and Roberto Alonso. The governor made a stop in Miami-Dade over the weekend to boost Colucci and Alonso.

Wins by "parental rights" school-board candidates spanned 22 counties on Tuesday, according to Moms For Liberty, a conservative organization founded by two former school-board members. DeSantis spoke last month at a Moms For Liberty "summit" in Tampa.

The Sarasota County Republican Party declared a "SWEEP!" in school-board races Tuesday that "reset the Board," with wins by candidates Timothy Enos and Robyn Marinelli and the re-election of Bridget Ziegler.

"Parents win, children win, education first wins. Woke indoctrination loses. A complete repudiation of the last two years of radical, divisive Board leadership," the Sarasota party said in an email newsletter Wednesday.

DeSantis will seek re-election in November against Democratic nominee Charlie Crist, who won a lopsided primary Tuesday over state Agriculture Commissioner Nikki Fried.

Democrats, in an effort to counter DeSantis' school-board recommendations, released a list of their own preferred candidates. Party Chairman Manny Diaz announced that 10 of the 28 candidates he endorsed won Tuesday.

""Under Governor DeSantis and Republican leadership, Florida's public education system is in trouble," Diaz said in a statement Tuesday night. "While DeSantis has turned school board elections into new political battlegrounds and focused on his personal partisan politics, only 25% of third-graders are demonstrating proficient reading levels, and less than half of high school students perform at a satisfactory level or better in algebra."

Diaz cast his preferred candidates as "committed public servants" who will "serve as champions for our public schools, parents, teachers, and students."

"We need school board members who believe that public education is the bedrock of the American dream and that public education must afford every child the opportunity to reach their fullest potential, be responsible citizens and participate in a competitive global economy," Diaz said.

Diaz-backed candidates won races in Alachua, Palm Beach, Marion, St. Lucie, Hillsborough, Osceola and Volusia counties. Three candidates backed by Diaz, Sarah Rockwell, Diyonne McGraw and Tina Certain, won races in Alachua County.

Alachua County schools Superintendent Carlee Simon painted the wins as a rejection of DeSantis' politics by local voters.

"DeSantis pumped major money into our county to turn Alachua's School Board "Red." He failed miserably!! Every candidate he funded/endorsed lost with huge margins. The appointee he inserted to terminate me … she's gone too! Stop meddling @RonDeSantisFL, we don't want you here!" Simon said in a Twitter post.

Ryan Dailey reports for the News Service of Florida.

Florida Court Rejects Abortion Law Injunction

by Jim Saunders

An appeals court Wednesday tossed out a temporary injunction that would have blocked a new Florida law preventing abortions after 15 weeks of pregnancy.

A panel of the 1st District Court of Appeal had signaled last month that it would reject the temporary injunction issued by Leon County Circuit Judge John Cooper, who said the 15-week limit violated a privacy right in the Florida Constitution.

Wednesday's one-paragraph main ruling, written by Judge Brad Thomas and joined by Judge Stephanie Ray, cited a July 21 decision by the panel that allowed the 15-week limit to remain in effect as legal battling continued. Judge Susan Kelsey dissented Wednesday, as she did in the July 21 decision.

The Republican-controlled Legislature passed the 15-week limit this year amid a national debate about abortion rights. A group of abortion clinics and a doctor filed the lawsuit June 1, arguing that the limit violated a privacy clause in the Florida Constitution that has long played a key role in bolstering abortion rights in the state.

Cooper agreed with the plaintiffs, issuing a temporary injunction July 5. The state quickly appealed, which, under legal rules, placed an automatic stay on the temporary injunction.

The appeals court's July 21 decision kept the stay in place, while also making clear that the panel likely would reject the underlying temporary injunction. Thomas wrote Wednesday that attorneys for the plaintiffs and the state did not provide additional briefs or arguments after the July 21 decision.

A key issue has been whether the plaintiffs could show "irreparable harm" from the near-total ban on abortions after 15 weeks.

In last month's decision, Thomas wrote that "a temporary injunction cannot be issued absent a showing of irreparable harm. As to appellees (the abortion clinics and doctor) themselves, any loss of income from the operation of the law cannot provide a basis for a finding of irreparable harm as a matter of law. And the parties do not dispute that the operation of the law will not affect the majority of provided abortions."

Also, Thomas wrote that the plaintiffs "cannot lawfully obtain a temporary injunction as they cannot assert that they will suffer irreparable harm unless the trial court preserves the status quo ante. … Appellees' claims are based on the allegation that they are in doubt regarding their ability to provide abortions, not that they themselves may be prohibited from obtaining an abortion after a certain time."

In Wednesday's ruling, he briefly alluded to the issue, writing that the plaintiffs "could not assert irreparable harm on behalf of persons not appearing below" in circuit court.

In her dissent last month, Kelsey argued that the court should vacate the stay that allowed the abortion limit to remain in effect. She cited that opinion Wednesday as she again dissented.

"In the specific context of abortion regulation, the Florida Supreme Court has held that even 'minimal' loss of the constitutional right of privacy is per-se irreparable injury," Kelsey wrote last month, She added, "We are therefore required to presume irreparable harm."

Attorneys for the clinics and the doctor asked the Florida Supreme Court on Friday to vacate the stay and pointed to irreparable harm.

"Every day that HB 5 remains enforceable, Florida patients in desperate need of post-15-week abortion services are being turned away and forced to attempt to seek abortions hundreds of miles or more out of state, to attempt abortions outside the medical system, or to continue pregnancies against their will," a 30-page emergency motion said.

Jim Saunders reports for the News Service of Florida.

REAL ESTATE

There's Now a Crypto Credit-Scoring Platform

by Melea VanOstrand

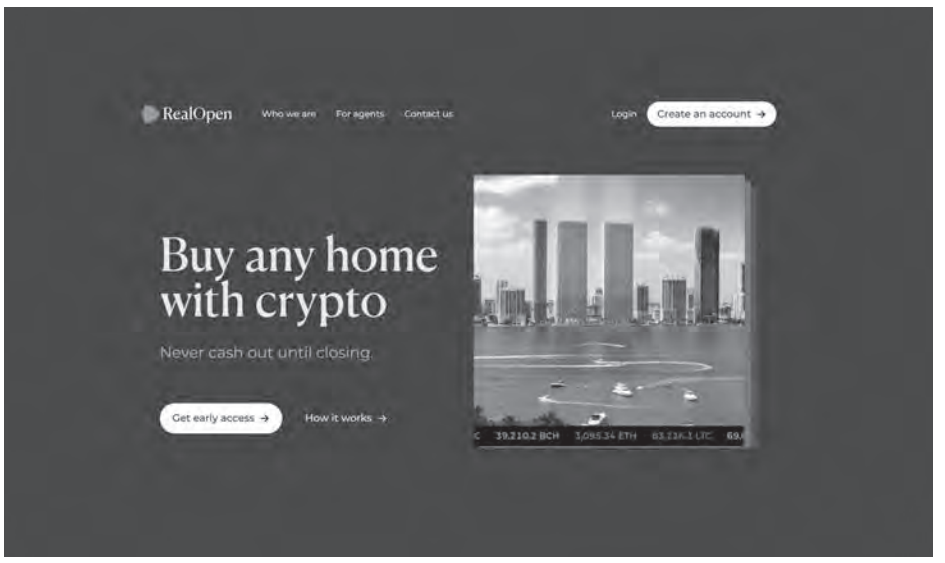
RealOpen, a company founded by Christine Quinn, star of Netflix's "Selling Sunset," and her husband Christian Dumontet, the inventor of Foodler, has launched RealScore, the world's first crypto purchasing power feature.

RealOpen facilitates the purchase of luxury real estate with cryptocurrency by analyzing the buyer's crypto assets and determining their reliable purchasing power. According to a press release, factors used to provide a score include the diversity of the basket of coins used to fund the offer, buyer-held cryptocurrency in excess of the offer price, and escrow duration.

RealScore allows high-end real estate buyers and sellers real-time and credible context to evaluate the asset strength behind a specific offer. Dumontet said it allows buyers to shop with confidence.

"Despite well-publicized crypto volatility, RealOpen provides a credible indication that a crypto offer is better than a cash offer," said Dumontet. "A buyer today may be concerned with placing a crypto offer, given recent volatility, but similar to the way home buyers use other services to evaluate their buying power or mortgage monthly payments, our prospective clients can use their RealScore to get a better idea of what they can afford. Then they can offer and buy with certainty."

RealOpen launched in April 2022 and recently expanded into the South Flordia real estate market and currently has exclusive listings totaling upwards of $200 million in volume. The company has partnered with One Sotheby's International Realty agents Karley Chynces and Bozana Cavar, and has listings available for crypto purchase at the Aria Reserve, Diesel Wynwood Condominium, Regalia and Bentley Residences.



RealOpen facilitates the purchase of luxury real estate with cryptocurrency by analyzing the buyer's crypto assets and determining their reliable purchasing power.

John Parsianim, vice president of sales at Aria Reserve, said there's a huge opportunity in buying real estate with cryptocurrency.

"In real estate transactions, assets are continuously monitored from offer to closing, and we've found that a crypto offer can be just as competitive as a cash offer," said Parsiani in a press release. "Traditional proof-of-funds letters for cash offers are only a snapshot in time and are simply static copies of balance statements. There is no ongoing information for the seller to reference during the escrow period, whereas cryptocurrency holdings can be continuously monitored. I'm excited to be partnering with RealOpen which provides a dynamic, real-time evaluation of the buyer's purchasing power that can be viewed throughout the escrow period."

RealOpen accepts any basket of cryptocurrencies including Bitcoin, Ethereum, Solana and stablecoins USDT and USDC.

Melea VanOstrand is ALM's South Florida real estate reporter. For story ideas, email her at mvanostrand@alm.com. Want to see the latest real estate news? Follow Melea on her Twitter or Facebook pages.

FROM PAGE A1

ADJUSTERS

entered an order granting summary judgment to the insurer.

The insureds, through the law firm, filed a two-count breach of contract action against the public adjuster. The public adjuster then filed a three-count third-party action against the law firm representing the insureds.

The public adjuster's complaint alleged breach of intended beneficiary contract, malpractice, and common law indemnification.

The law firm moved to strike the third-party action as a sham and argued that it was the public adjuster's incorrect belief that section 627.70131(5)(a)'s 90-day deadline allowed the adjuster to refuse inspection, according to the opinion. As to the complaint for breach of intended beneficiary, the law firm argued that no evidence showed the insureds and the law firm intended their legal services agreement to directly benefit the public adjuster.

On the malpractice claim, the law firm argued that although an intended beneficiary of a legal services agreement may pursue a claim, no agreement showed evidence that the law firm intended its agreement to directly benefit the public adjuster.

Finally, on the common law indemnification count, the law firm argued that the public adjuster was not without fault in the case. Further, the firm state that the public adjuster had no special relationship with the firm that would have made the public adjuster vicariously, constructively, derivatively, or technically liable to the insureds for the law firm's alleged malpractice, according to the opinion.

"A predecessor circuit court held a hearing on the law firm's motion to strike," stated Judge Jonathan D. Gerber in his written opinion for the court. "During the hearing, the law firm introduced its legal services agreement with the insureds. The public adjuster claimed it was seeing the agreement for the first time."

"After the hearing, the predecessor circuit court took the law firm's motion to strike under advisement," stated Gerber. "A week later, the public adjuster filed a voluntary dismissal of its Count 3 against the law firm for common law indemnification."

The law firm filed a motion to strike the public adjuster's third-party action and a "safe harbor" letter on the same day. After the 21-day period expired, the firm filed its section 57.105 motion with the court. The lower court denied the law firm's motion and found the public adjuster "offered sufficient evidence and legal authority to show that [its] claim was not so lacking in merit as to entitle the [law firm] to attorney's fees and costs pursuant to Florida Statute Section 57.105."

Gerber, in his written opinion for the court, found that the public adjuster was not an intended beneficiary of the agreement between the law firm and the insureds.

"At the very latest," stated Gerber, "the public adjuster, upon voluntarily dismissing its Count 3 for common law indemnification, should have withdrawn its Count 1 for breach of intended beneficiary contract and Count 2 for professional malpractice as well."

"The public adjuster's Count 2 for professional malpractice—which hinged upon its Count 1 for breach of intended beneficiary contract— similarly was not supported by the material facts necessary to establish that claim or the application of then-existing law," stated Gerber.

At most, said Gerber, the public adjuster was an incidental beneficiary of the legal services agreement.

"Based on the foregoing, the public adjuster's third-party action against the law firm, when initially filed—or, at the very latest, from when the public adjuster purportedly first saw the legal services agreement—was not supported by the material facts necessary to establish the third-party action's claims or the application of then existing law, and did not present a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law," stated Gerber.

The appeals court also reversed the lower court's ruling rejecting the law firm's request for sanctions.

Judge Spencer D. Levine and Judge Edward L. Artau concurred with the opinion.

Counsel for The Dental Law Firm d/b/a Shochet Law Group, Randall Shochet, could not be immediately reached for comment. Likewise, counsel for The People's Choice Public Adjusters, Alan L. Raines and Elizabeth Jimenez of Raines Legal, could not be reached for comment.

Colleen Murphy reports for Law.com, an ALM affiliate of the Daily Business Review. Contact her at cmurphy@alm.com.

dbr
DAILY BUSINESS REVIEW.COM

DAILY BUSINESS REVIEW — MIAMI-DADE
1 SE Third Ave., Suite 1750, Miami, FL 33131

Main switchboard:	305-377-3721
Display Advertising:	305-347-6647
Law Firm Marketing:	305-347-6619
Classified:	212-457-7850
Court Information:	305-347-6614
Public Notices/Legals:	305-347-6614
Public Notices/Legals Fax:	305-347-6636

DAILY BUSINESS REVIEW — BROWARD
633 S. Andrews Ave., Fort Lauderdale, FL 33301

Main switchboard:	954-468-2600
Display Advertising:	954-468-2611
Law Firm Marketing:	305-347-6655
Classified:	212-457-7850
Public Notices/Legals:	954-468-2600

DAILY BUSINESS REVIEW — PALM BEACH
105 S. Narcissus Ave. Suite 308, West Palm Beach, FL 33401

Main switchboard:	561-820-2060
Display Advertising:	305-347-6659
Law Firm Marketing:	305-347-6619
Classified:	212-457-7850
Public Notices/Legals:	561-820-2060

Delivery Questions 877-256-2472
To reach any of these numbers from anywhere in Florida, dial 800- 777-7300 and ask for the extension, which is the last four digits.

TO PURCHASE:

Reprints:	877-257-3382
Individual Subscriptions:	877-256-2472
Content Access Enterprisewide:	855-808-4530
Back Issues:	877-256-2472 ($6 per back issue)

EDITORIAL

Editor-in-Chief, Regional Brands & Legal Themes: hgrezlak@alm.com	Hank Grezlak 215-557-2486
Florida Bureau Chief: rlean@alm.com	Raychel Lean 305-926-4875
Engagement Editor: tphillips@alm.com	Thomas Phillips

BUSINESS

Vice President / Public Notice Operations: jfried@alm.com	Jeff Fried
National Sales Director of ALM Events/Sponsorships: dchalphin@alm.com	Donald Chalphin 215-557-2359
Senior Director of Sales - West, Marketing Solutions: jpavone@alm.com	Joe Pavone 480-491-7306
Director of Marketing Solutions, ALM East: ccurbelo@alm.com	Carlos Curbelo 305-347-6647
Director / Operations & MIS: ggarcia@alm.com	Guillermo Garcia

Designations: Official Court Newspaper, by the chief judges of the County and Circuit courts in Miami-Dade and Broward and the U.S. District Court for the Southern District of Florida by local rule 5.2c.

150 E 42nd St, New York, NY 10017 • 212-457-9400

ALM.

CEO: Bill Carter
President, Information Services: Jon DiGiambattista
President, Events and Head of Global Strategic Initiative: Mark Fried
President, Marketing Services: Matthew Weiner
SVP, Human Resources: Erin Dziekan
SVP and Global Corporate Controller: Daniel Herman
SVP, Finance: Mark Okean
Chief Technology Officer: Jimi Li
Chief Content Officer: Molly Miller
Chief Sales Officer, Paid Content: Allan Milloy
VP and GM, Legal Media: Richard Caruso
VP, ALM Legal Intelligence: Patrick Fuller

FROM THE COURTS

Female Associate Says NJ Law Firm Is a 'Boys Club'

ADOBE STOCK

Regina Rodriguez claims the real reason she was let go from Brach Eichler was her gender and race.

by Charles Toutant

A lawsuit claims New Jersey law firm Brach Eichler is a "boys' club" that falsely attributed its firing of a Hispanic woman attorney to a downturn in | business.

When Regina Rodriguez was let go in January, she was told the firm didn't have enough work, but the true reason was her gender and race, the suit claims.

At the time, Rodriguez was the only female attorney and the only attorney of color reporting to Edward Capozzi, head of the personal injury department, her suit states. Her departure left behind five other associates, all white males, in the personal injury department, and a sixth white male was hired soon thereafter, the suit says.

According to the National Law Journal's 2022 NLJ 500 ranking of firms based on size, Brach Eichler has 74 attorneys and is ranked 490th in the United States.

Rodriguez claims that she was assigned lower-level cases and tasks, while the white male attorneys in her department were given larger, more lucrative cases and tasks. She says she was not given the chance to try cases and develop trial skills.

She also alleges the firm sent all the male attorneys in the department to a weeklong seminar in California with a trial consultant, but she was the only attorney in the department not invited.

And male attorneys in the personal injury department frequently went to strip clubs together, Rodriguez's suit claims.

Her suit also says that Capozzi regularly referred to women as "whores" and "bitches" and called certain female paralegals in the office "hog beast" and "pig monster."

Rodriguez filed her suit in U.S. District Court in Newark on Aug. 19. Her attorney is Daniel Orlow of Console Mattiacci Law in Moorestown.

Brach Eichler's general counsel, Charles Gormally, and John Fanburg, the firm's chief executive officer, said in a statement, "The allegations in the complaint are untrue. The Equal Employment Opportunity Commission investigated the matter completely and dismissed the charge of discrimination against the firm. Brach Eichler remains committed to fostering a diverse, inclusive and equitable workplace for all of our employees."

But according to court papers, the EEOC said it "will not proceed further with the investigation," made no determination about whether further investigation would establish violations of the law, and its decision "should not be construed as a finding of no merit in the suit."

Rodriguez, who joined the firm in 2018, says in court papers that she was excluded from meetings and communications related to her job duties. She said she won a contest for settling the most personal injury settlements, but the monetary award she got was less than the amount that had been advertised for the winner, the suit claims.

"The discriminatory conduct of defendant, as alleged herein, was severe and/or pervasive enough to make a reasonable person believe that the conditions of employment had been altered and that a hostile work environment existed, and made plaintiff believe that the conditions of her employment had been altered and that a hostile work environment existed on account of her sex and/or race," the suit says.

Rodriguez says she was required to take calls from the office on holidays, weekends and on vacation, but her white male colleagues were not. In addition, white male attorneys were paid for each new client lead, but she was not, the suit claims.

Orlow, Rodriguez's attorney, did not respond to a request for comment about the case.

Charles Toutant is a litigation writer for the New Jersey Law Journal, an ALM affiliate of the Daily Business Review. Contact him at ctoutant@alm.com.

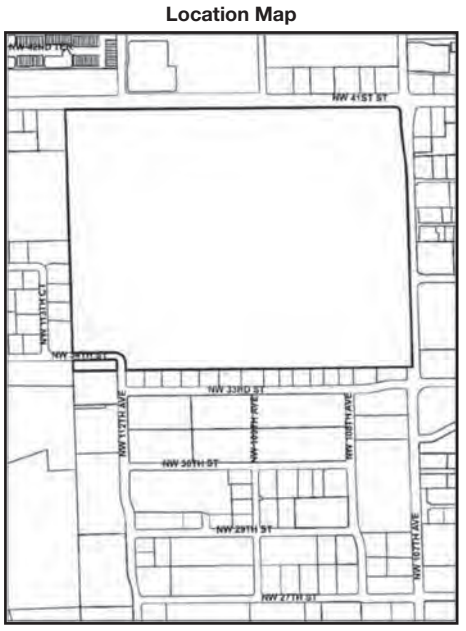
CITY OF DORAL
NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Zoning Workshop** on **Thursday, September 8, 2022 at 6:00 p.m.** The Meeting will take place at the City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166.

The following application will be presented:

HEARING NO.: 22-09-DOR-03
APPLICANT: Akerman LLP, on behalf of Bridge Point Doral 2700, LLC (the "Applicant")
PROJECT NAME: Bridge Point Doral Distribution Center
PROPERTY OWNER: Doral Farms, LLC
LOCATION: Southwest corner of NW 107 Avenue and NW 41 Street intersection
FOLIO NUMBER: 35-3030-000-0020
SIZE OF PROPERTY: ±150 acres for Restricted Industrial (West Portion) and Industrial (East Portion). The total property size, including the Northern portion of the property designated Office Residential and Business, is ±175 acres.
FUTURE LAND USE MAP DESIGNATION: Restricted Industrial (West Portion) and Industrial (East Portion). The Northern portion of the property is designated Office Residential and Business.
ZONING DESIGNATION: General Use District (North Portion), Industrial District (East Portion), and Industrial-Restrictive District (West Portion)
REQUEST: The Applicant proposes to develop six individual warehouse and distribution buildings totaling approximately 2,647,575 square feet in floor area. The warehouse and distribution center are proposed to be constructed on approximately 145 acres of the overall Property, on the areas zoned Industrial (I) and Industrial Restrictive (I-R). An additional approximately 20 acres of the Property along NW 41st Street, zoned General Use (GU), is proposed to be improved with stormwater retention facilities, also shown on the enclosed site plan and to be approved as part of this Application. The remaining approximately 10 acres of the Property at the northeast corner along NW 41st Street will be addressed separately.

Location Map



ZONING WORKSHOP PROCESS: The zoning workshop consists of two sessions:

1. First Session. The first session of a zoning workshop shall provide a forum for members of the public to learn about proposed developments within the city. Developments may be presented to the public simultaneously, in several locations within the meeting site. During this session, members of the public are encouraged to ask questions and to provide feedback to the applicant about the proposed development. The applicant shall provide visual depictions, such as renderings, drawings, pictures, and the location of the proposed development. In addition, representatives of the applicant shall be available to answer questions that members of the public may have about the proposed development. The members of the City Council shall not be present during the first session of the zoning workshop.

2. Second Session. The second session of a zoning workshop shall provide a forum for the City Council to learn about the proposed developments discussed at the first session of the zoning workshop. No quorum requirement shall apply. Developments shall be presented by the applicants sequentially, one at a time, for the City Council's review and comment. The applicant shall again present visual depictions of the proposed development. In addition, the applicant shall be available to answer any questions that members of the City Council may have about the proposed development.

No quorum requirement shall apply nor will any vote on any project be taken, but roll call will be taken, as it is a publicly noticed meeting.

Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, Fl. 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

NOTE: If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing.This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide translation services during the zoning application process or during any quasi-judicial proceeding.

NOTA: Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz, MMC
City Clerk
City of Doral

8/26 22-39/0000616297M

FROM THE COURTS

Rep. Scott Perry Pauses Lawsuit Over Phone Search to Negotiate Deal With DOJ

SAMUEL CORUM/BLOOMBERG NEWS

Rep. Scott Perry has been a subject of the Jan. 6 Committee's investigation due to his connections to former Assistant Attorney General Jeffrey Clark, an ally of former President Donald Trump who pushed election conspiracies in the waning days of Trump's presidency.

by Brad Kutner

Rep. Scott Perry asked a federal judge to pause a lawsuit against the U.S. government to block the search of his phone, citing ongoing negotiations with federal investigators.

"Granting this request will allow the parties to further discuss the possibility of resolving the emergency motion by agreement," Perry said in the filing made hours after the original complaint went public.

That complaint, filed in U.S. District Court for the District of Columbia District on Aug. 18 but docketed late Tuesday, claimed federal law enforcement confiscated the Pennsylvania congressman's phone earlier in the month. The seizure was granted by a warrant issued by a magistrate judge, and it included making a copy of Perry's phone and gathering additional data via his wireless carrier, AT&T.

Negotiations between the government and Perry followed the confiscation, the suit claims, with Perry offering to review the contents of the phone alongside federal investigators. But the Department of Justice demanded the congressman waive his speech and debate clause protection if any such search were to happen, according to the complaint.

The speech and debate clause says members of Congress "shall in all cases, except treason, felony and breach of the peace, be privileged from arrest." The clause rose in prominence after several Republican lawmakers claimed it should protect them from any investigation into their roles in the Jan. 6, 2021, U.S. Capitol riot.

Perry's complaint said any search of his phone would violate protections given to him by the clause, as well as other privilege claims.

Perry declined the DOJ's offer after being unwilling to abandon his speech and debate clause protections, according to the filing, and the agency said they'd instead seek a second warrant to review the phone's contents. The suit asks a judge to block any future search as well as return all the data the government collected from his phone and wireless carrier.

"Rep. Perry respectfully submits that Article 1 of the Constitution authorizes only him, as a member of Congress whose records are at issue, to make determinations, likely in consultation with the House Counsel's Office, about the extent to which the Speech and Debate clause applies to those records," wrote John Irving with Earth & Water Law on behalf of Perry.

Perry, the chair of the House Freedom Caucus, has been a subject of the Jan. 6 Committee's investigation due to his connections to former Assistant Attorney General Jeffrey Clark, an ally of former President Donald Trump who pushed election conspiracies in the waning days of Trump's presidency.

According to texts from Mark Meadows obtained by congressional investigators, Perry asked the former White House chief of staff to "call Jeff" to find out why the DOJ wasn't doing more to investigate claims of election fraud.

Brad Kutner is part of the litigation team for the National Law Journal, an ALM affiliate of the Daily Business Review. Contact him at bkutner@alm.com. On Twitter: @BradKutner.

INTERNATIONAL

IBA Condemns Detention of Russian Lawyer Who Criticized Ukraine War

by James Carstensen

The International Bar Association condemned the arrest and extended pretrial detention of a Russian lawyer over critical comments about the Ukraine war he posted to social media.

The IBA described the arrest of lawyer Dmitry Talantov as an "indisputable" human rights violation. In a statement, IBA president Sternford Moyo called for his release and for all charges against him to be dropped.

Talantov, a Russian human rights lawyer and president of the Bar Association of the Republic of Udmurtia, had posted comments critical of Russia's invasion of Ukraine on Facebook on April 3 and was subsequently arrested on June 28 for dissemination of "deliberately false information."

The post in question is no longer available, but a report by the International Commission of Jurists said that Talantov asserted that photos and videos from Kharkiv, Mariupol, Irpen and Bucha demonstrated "not fascism but extreme Nazi practices."

The charge falls under a new Russian law introduced on March 7, a week and a half after the invasion began. It criminalizes alleged "public dissemination of knowingly false information about use of the Russian Armed Forces abroad and execution by the Russian government bodies of their powers, committed with motives of enmity or hatred."

On Aug. 19, the Cheryomushki Court of Moscow extended his detention until at least Sept. 23.

Moyo said that the prolonged detention was disregarding the country's Constitution.

"Article 29 of the Constitution of the Russian Federation guarantees freedom of thought and speech to everyone," Moyo said. "The introduction of the new law under which Mr. Talantov has been charged can only be viewed as an attempt by Russia's authorities to undermine the Constitution with the objective of silencing dissent.

"The IBA condemns the arrest of Mr. Talantov and calls for the repeal of Article 207.3 of the Russian Criminal Code," he said.

Both the IBA and ICJ report that Talantov had been denied access to a lawyer, and the IBA strongly censured the Russian Federal Bar Association, which it said has the remit to protect the professional rights of lawyers, for taking "no significant action to protect Talantov's rights."

Both organizations also noted that Talantov represented journalist Ivan Safronov, who is currently on trial for treason, with the ICJ explicitly expressing concern that Talantov may have been targeted in relation to his representation of Safronov.

IBA executive director Mark Ellis said the criminal prosecution and pretrial detention of Talantov is an "indisputable violation" of Article 19 of the Universal Declaration of Human Rights.

"The charges against Mr. Talantov expressly undermine his freedom of expression. Furthermore, his detention appears to criminalize his legitimate activities as a lawyer," Ellis said in a statement.

Ellis added that "more than 500 members of Russia's legal profession" have signed a petition defending Talantov.

"The representatives of the legal profession who have signed the petition seek to uphold and protect the rule of law, access to justice, human rights and the professional rights of lawyers in Russia," Ellis said. "In what is a repressive political and legal environment these professionals should be applauded for their integrity and bravery."

In early March, days after the invasion began, the IBA had similarly criticized the Association of Lawyers of Russia for issuing what it called a "pro-war statement" that said: "The legality of the decisions taken by the President of the Russian Federation follows from the applicable international law."

James Carstensen reports for Law.com International, an ALM affiliate of the Daily Business Review. Contact him at jcarstensen@alm.com.

Linklaters, Haiwen Advise on Hong Kong's Largest IPO in 2022

by Jessica Seah

Linklaters and Beijing-based Haiwen & Partners have advised on Hong Kong's largest initial public offering this year.

Raising approximately $2.1 billion, state-owned China Tourism Group Duty Free, which owns and operates the world's largest tax-exempt retail network, has become Hong Kong's largest issuer this year.

The deal surpasses the $1.7 billion raised by Chinese lithium producer Tianqi Lithium in July.

China Tourism Group also owns almost a quarter of the world's market share in the travel retail industry and is already listed in Shanghai.

The Linklaters team, which included Hong Kong capital markets partner Lipton Li, was led by the firm's departing Hong Kong partner Iris Leung. Leung will soon be leaving the firm for Allen & Overy.

Freshfields Bruckhaus Deringer and Jia Yuan Law Offices are advising the underwriters.

China Tourism Group had initially planned to raise $5 billion in Hong Kong in the last quarter of last year later but shelved its plans due to a fall in its Shanghai stock prices, as well as the Chinese government's new restrictions on offshore listings, which caused a plummet in share prices for many offshore-listed Chinese companies.

IPO fundraising in Hong Kong was down 90% in the first half of 2022. As of last week, companies have raised just $5 billion this year from Hong Kong IPOs, compared with the $35 billion raised in the whole of last year.

Other Chinese companies that have Hong Kong IPOs in the pipeline include Blackstone Inc.-backed PAG, an Asia-focused private equity firm. PAG filed for a $2 billion listing in this March, but is now considering a delay due to market volatility, according to Bloomberg.

JunHe, Simpson Thacher & Bartlett and Travers Thorp Alberga are advising PAG, which is led by Chinese businessman Weijian Shan. The underwriters are being represented by Skadden, Arps, Slate, Meagher & Flom and Fangda Partners.

Jessica Seah reports for Law.com International, an ALM affiliate of the Daily Business Review. Contact her at jseah@alm.com.

PRACTICE FOCUS / MEDICAL MALPRACTICE

Florida's Free Kill Law—Why It Has to Go

Commentary by Michael Hersh


Hersh

If a medical provider's substandard care causes the death of an adult victim who leaves behind only adult children or parents, Florida's wrongful death statute prevents the adult survivors from bringing a claim for the loss of their loved one. Had the victim died due to any other form of negligence or misconduct, whether it be a car crash, premises liability, negligent security, a defective product, or something else, those same adult survivors would have had a claim under Florida law for their loss.

This dichotomy results from what has commonly been termed Florida's free kill law, an unnecessary and awful statutory provision found in Florida Statutes, Section 768.21, which arbitrarily distinguishes between survivors of wrongful death victims of medical malpractice and survivors of wrongful death victims of other forms of negligence. The law violates equal protection, serves no legitimate purpose, and should no longer be in effect.

Like many who handle medical malpractice claims, our firm fields many inquiries from adults who suffered the loss of a parent or an adult child following substandard medical care. In some instances, the malpractice was obvious and egregious. Yet, we are left having to explain that Florida law prevents the adult survivors from pursuing a claim for their noneconomic loss, despite the tragic impact on their lives and, worse, despite that they would have had a claim had their parent, or adult child, died from any other form of negligence.

THE LEGISLATURE NEARLY FIXED THE PROBLEM EARLIER THIS YEAR

Earlier this year, the free kill law nearly met its needed demise. In March, the Florida House of Representatives passed House Bill 6011 with overwhelming bipartisan support, by a vote of 102 to 13. The bill would have amended Section 768.21, and, for the first time in several decades, authorized parents of adult children to recover damages for mental pain and suffering in medical malpractice wrongful death suits. The staff analysis noted that "Florida is the only state that differentiates between a medical negligence wrongful death action and other types of wrongful death actions for the purpose of excluding parents of adult children from seeking pain and suffering damages for wrongful death in medical malpractice cases." The Florida Senate failed to consider its counterpart bill and the bipartisan effort in the House therefore came to an unfortunate end.

BOARD OF CONTRIBUTORS

The medical industry and its lobbyists lauded this result as having saved Florida from additional lawsuits and upheaval. Notably, it was these same concocted alarm bells that served as the initial basis for creating this unnecessary distinction, as well as the labyrinth that is Florida's Medical Malpractice Act, many decades ago.

THE UNCONSTITUTIONALITY OF THE FREE KILL LAW

In 2000, the Florida Supreme Court upheld the constitutionality of the free kill law found in section 768.21, finding that the statute had a rational relationship to Florida's legitimate interest in a purported medical malpractice crisis.

In *Mizrahi v. North Miami Medical Center,* the Florida Supreme Court found that Section 768.21's exclusion of certain specific classes from having the right to pursue noneconomic harm in medical malpractice wrongful death suits "is rationally related to controlling healthcare costs and accessibility." The court relied on the state's interest in limiting increases in medical insurance costs and ensuring the accessibility of health care. It ruled the statute did not violate equal protection because it rationally related to curbing the "health care crisis" expressly noted by the Legislature as the justification for passing the Medical Malpractice Act, as outlined in Florida Statutes, Section 766.201.

However, if there was ever a crisis that warranted the disparate treatment set forth in Florida's free kill law, that crisis certainly does not exist anymore, as confirmed by the Florida Supreme Court.

In 2014, the Florida Supreme Court, in *McCall v. United States,* struck down the noneconomic damage caps in medical malpractice wrongful death suits set forth in Florida Statutes, Section 766.118, finding that the law did not rationally relate to a legitimate state interest. The interest that proponents of that statute asked the court to rely upon was the very same interest that the court used to support the constitutionality of section 768.21 more than a decade earlier. The court found that the alleged medical malpractice crisis was not a legitimate state interest, and it noted that "the finding by the Legislature and the task force that Florida was in the midst of a bona fide medical malpractice crisis, threatening the access of Floridians to health care, is dubious and questionable at the very best." The court further noted that the Legislature's determinations pertaining to increases in medical malpractice insurance rates and physicians fleeing the state was "unsupported." The dourt added that even if a crisis had existed when the pertinent statute was enacted, the crisis was not permanent. "Conditions can change, which remove or negate the justification for a law, transforming what may have once been reasonable into arbitrary and irrational legislation."

Quoting the U.S. Supreme Court, the Florida Supreme Court stated that "a law depending upon the existence of an emergency or other certain slate of facts to uphold it may cease to operate if the emergency ceases or the facts change even though valid when passed." The *McCall* court went on to cite numerous studies and various data points, showing no health care or medical malpractice crisis then existed. The court highlighted, among other things, that Florida physicians were not fleeing but instead remaining here and medical malpractice carriers had increased net income by more than 4,300%, apparently not passing savings onto Florida physicians through premium reductions. The court concluded that "even if there had been a medical malpractice crisis in Florida at the turn of the century, the current data reflect that it has subsided."

Three years later, in *North Broward Hospital District v. Kalitan*, the Florida Supreme Court once again addressed the constitutionality of noneconomic damage caps in medical malpractice actions, which had been premised on a mounting medical malpractice and healthcare crisis. Relying on the findings in *McCall*, the court reconfirmed that "there is no evidence of a continuing medical malpractice insurance crisis justifying the arbitrary and invidious discrimination between medical malpractice victims."

The Florida Supreme Court has, therefore, expressed in two opinions that if there was ever a medical malpractice or health care crisis—the very existence of which the court seemingly doubts—it certainly no longer exists and, as such, cannot serve as a basis for upholding disparate treatment among classes. Florida's free kill law was upheld more than 20 years ago based on an interest in curbing and avoiding the very crisis that *McCall* and *Kalitan* found no longer exists. For that reason, even if there was once a valid rationale, which again the court questions, today, there is simply no legitimate purpose for continuing to treat victims of medical negligence worse than victims of all other forms of negligence.

Hopefully the Legislature in its next session will revisit this arbitrary and unnecessary law, and finally make the change that so many in the House thought was worthwhile earlier this year. If not, perhaps the Florida Supreme Court will have an opportunity to revisit the law's constitutionality and continue to recognize what it loudly exclaimed in *McCall* and *Kalitan*—no medical malpractice crisis exists, if it did three to four decades ago it has undoubtedly subsided, and there is no legitimate purpose for dissimilarly treating victims based on the type of tort or the profession of the tortfeasor.

Michael Hersh is a founding partner of Hersh Kirtman Injury Law. He dedicates his practice entirely to representing and helping those who have been injured, suffered harm, or lost loved ones because of the negligence or wrongdoing of others.

FROM THE COURTS

7th Circuit: Financial Adviser Not Defamed by 'Related' Hyperlink

by Colleen Murphy

The U.S. Court of Appeals for the Seventh Circuit has upheld a district court ruling that found allegedly defamatory statements made in an article published by a Wisconsin newspaper were substantially true and protected by Wisconsin's judicial-proceedings privilege and that a hyperlink to a "related" article did not create a defamatory implication.

In August 2018, the Wausau Daily Herald, a publication owned by Gannett Co., published an article titled, "Wisconsin financial advisor accused of violating a dead man's trust, mishandling $3 million," according to the opinion. The deceased man, Joseph Geisler, was described in the article as a frugal farmer who created a $3 million trust with help from financial adviser Thomas Batterman. The trust was to be distributed equally among four charities.

According to the Seventh Circuit's opinion, the article covered a Marathon County lawsuit, which accused Batterman of "defrauding the charities, committing numerous breaches of trust and conspiring with his fiancée to milk the fund for trustee fees." Other elements of the story painted Batterman in an unflattering light, including "two alcohol-related arrests and disclosed that the Securities and Exchange Commission had twice fined him for regulatory violations." In the online version, a hyperlink was included to an article titled, "Five ways to fight elder abuse, financial exploitation."

Following publication of the article, Batterman promptly sent a "retraction letter" to the newspaper. The newspaper revised, but did not remove, the story, according to the opinion. Batterman then sued Gannett for defamation. The district court sided with Gannett and Batterman appealed.

Seventh Circuit Judge Michael B. Brennan, in his written opinion for the court, stated that Batterman alleged four errors in the district court ruling: dismissal of the bulk of his case under Rule 12 (b)(6), denial of his untimely motion to amend, grant of summary judgment to Gannett, and denial of his Rule 59(e) motion to alter or amend a judgment.

"We begin with the district court's decision to rely on several extrinsic documents," stated Brennan. "Ordinarily, when adjudicating a motion to dismiss under Rule 12(b)(6), a district court is limited to the allegations in the complaint."

However, Brennan stated, there is an exception under which a court may consider documents "referenced in the plaintiff's complaint, concededly authentic, and central to the plaintiff's claim."

The dispute here was over the revised article versus the original article published. When Gannett moved to dismiss Batterman's complaint, according to the opinion, it attached the revised article. Batterman objected and stated that the hyperlinks were removed, including the one linking to the page on how to prevent elder abuse. The court then used Batterman's version, "the one he submitted with his motion for partial summary judgement."

Batterman argued that the original article "is obviously central to the complaint" and the revised article "is a stranger to the complaint."

"Thus, Batterman contends, the district court 'effectively rewrote [his] complaint'—a peculiar argument since Batterman moved for summary judgment based solely on the revised article," stated Brennan.

"Here, any error would be harmless," stated Brennan. "Before the district court ruled on the motion to dismiss, Batterman moved for summary judgment. This belies the notion that the district court's decision to not convert the motion was harmful—Batterman himself functionally converted the motion by pressing ahead to the summary-judgment stage."

Next, Brennan considered the district court decision on the merits. Of the 21 statements Batterman alleged were defamatory, the district court identified two implicit statements and two explicit statements as potentially actionable, according to the opinion. On appeal, Batterman discussed only the implicit statements, which included the implication that he committed "elder abuse" and "criminal acts of fraud, theft, or embezzlement."

The district court ruled correctly, according to Brennan, that the only plausible defamation claim Batterman asserted was with regard to the hyperlink's alleged implication that he committed "elder abuse." The trial court also correctly ruled that "the other defamatory statements were substantially true and privileged," Brennan said.

In addition, Brennan stated that, even if the hyperlink in question did imply that he committed elder abuse, "this implication was substantially true."

"Mishandling a deceased person's estate may not always constitute elder abuse, but a reasonable jury could not conclude that observing the relationship between Batterman's conduct and elder abuse constituted a false statement," Brennan said.

The judge added that this implication "is not reasonably drawn from the words of the article."

"A 'related' article hyperlinked on the sidebar of a webpage is common," stated Brennan. "Readers understand that the connection between the content of a webpage and 'related' hyperlinks is attenuated."

As to Batterman's motion for leave to amend, Brennan agreed with the district court's ruling that did not allow his complaint to be amended.

"The district court did not allow Batterman to amend his complaint, noting his choice to move for summary judgment with the revised article, and that substituting a different version of the article would not matter," stated Brennan. "Batterman appeals this ruling so that he may restart the litigation based on the original version of the article."

Brennan stated that Batterman was not requesting a modification of the scheduling order under Rule 16, but instead sought a late amendment request under Rule 15's "interest of justice" standard.

"Although the district court mistakenly cited Rule 16, its justifications for denying Batterman's motion ultimately support the same outcome under Rule 15," stated Brennan. "The district court used Rule 16's good-cause standard because it perceived Batterman's request as an attempt to modify its scheduling order."

Finally, Batterman contended that an email exchange he acquired through a public records request "toppled" the district court ruling. The exchange was between an assistant district attorney and an attorney with the Wisconsin Department of Justice discussing the article, according to the opinion. One of the two commented, "'interesting ... it sounds criminal to me,'" the opinion said.

WIKIMEDIA

"A 'related' article hyperlinked on the sidebar of a webpage is common," stated a judge from the U.S. Court of Appeals for the Seventh Circuit, above. "Readers understand that the connection between the content of a webpage and 'related' hyperlinks is attenuated."

"Even if the emails are understood as evidence to counter that conclusion, they do not undermine the court's ruling," stated Brennan.

"This exchange is between two prosecutors who are trained and commissioned to identify potential criminal activity," said Brennan. "So, the inferences drawn from these professionals should not be imputed to the article's general audience: the Wausau Daily Herald subscribers."

"In conclusion, Batterman's defamation claim fails because the article published by Gannett was substantially true and largely protected by the judicial-proceedings privilege," stated Brennan.

Judge Joel M. Flaum and Judge Amy J. St. Eve joined Brennan in affirming the district court ruling.

"This is a total victory and we are very pleased," stated counsel for Gannett, Brian Spahn of Godfrey & Kahn.

"I think we and Gannett are very happy with the decision as it affirms the lower court decision at every stage of the proceeding," said Spahn.

Counsel for Batterman, Charles Philbrick of Hoke, could not be reached for comment.

Colleen Murphy reports for Law.com, an ALM affiliate of the Daily Business Review. Contact her at cmurphy@alm.com.

Buckley Must Disclose Latham Emails About Misconduct Probe

by Mason Lawlor

In a long battle over a $6 million payout between the law firm Buckley and its insurer, Oxford Insurance Co., the North Carolina Supreme Court ruled that the firm must hand over several email communications with its outside counsel regarding an internal misconduct probe.

Buckley's insurance plan with Oxford reportedly contained a "loss of key employee" policy, and a claim was filed for $6 million after one of its founding partners, Andy Sandler, resigned in 2018, according to court documents. Oxford denied the claim and Buckley (formerly known as Buckley Sandler) sued.

In the course of discovery, Oxford requested that Buckley turn over its communications with its outside counsel, Latham & Watkins, which it hired to investigate misconduct allegedly committed by Sandler. Buckley refused, citing attorney-client privilege.

In November 2020, Oxford's motion to compel email communications between Buckley and Latham was granted in part by Chief Business Court Judge Louis A. Bledsoe III.

According to Bledsoe's order, three members of Buckley's executive committee learned of potential misconduct by Sandler in December 2017. The executive committee then hired Latham to conduct an internal investigation in response to the allegations, the nature of which were not specified in court documents.

"Based on its in camera review, the court concludes that many of the communications have been improperly withheld as privileged because the 'primary purpose' of these communications was not 'to seek or provide legal advice,'" Bledsoe wrote.

Buckley appealed from the order granting Oxford's motion to compel.

Although Buckley argued that interactions with its legal team are protected by attorney-client privilege, the Supreme Court distinguished between giving legal advice and business advice to make its ruling. Ultimately, Chief Justice Paul Newby found that the law firm's investigations into misconduct amounted to "ordinary business activities" that are not shielded from disclosure, according to the court's Aug. 19 opinion.

"In today's business world, investigations of alleged violations of company policy, including policies prohibiting sexual harassment or discrimination, are ordinary business activities and, accordingly, the communications made in such investigations are not necessarily 'made in the course of giving or seeking legal advice for a proper purpose,'" the court wrote, citing its own 1994 ruling in *State v. McIntosh*.

"This court recently affirmed a Business Court opinion stating that '[b]usiness advice, such as financial advice or discussion concerning business negotiations, is not privileged,'" the high court added, referring to the 2019 case Window World of Baton Rouge v. Window World.

Here, the court found that the Buckley's communications with its outside counsel contained both legal and business advice, but agreed with Bledsoe about the "primary purpose" of several of the communications.

Mason Lawlor reports for Law.com, an ALM affiliate of the Daily Business Review. Contact him at mlawlor@alm.com.

REAL ESTATE

Commercial Real Estate Pricing Remains Above Pre-Pandemic Levels

by Paul Bergeron

Real estate funds appear to be staying the course and factoring in a slight overall cooling of the market, according to a report this week from RSM.

Fundraising is taking on the same mindset, as the volume of sales transactions and related cap rates achieved in those transactions have both eased, it said.

Investors are currently on their backfoot, reevaluating valuations and strategies as interest rate hikes and inflationary pressures point to a potential looming recession. Capital is pointed to less-risky plays, value-add and core and core-plus assets, RSM said.

"Real estate investment may be slowing from its unprecedented pace in 2021, but it is still seeing prices well exceeding pre-pandemic levels, and plenty of capital is available for investors to keep spending."

FINANCING RELATIVELY CHEAP

RSM said that cash flow from properties, particularly multifamily and industrial, remains strong and financing is relatively cheap.

"We anticipate transaction volume to pick up in the fourth quarter of 2022 or early 2023 as fund managers reevaluate strategies and their investors' expectations for returns, looking to deploy capital that remains on the sidelines," it said.

CAP RATE COMPRESSION ACROSS THE BOARD

Even the pandemic "darlings" multifamily and industrial experienced cap rate compression.

Sales volume and cap rates easing a bit, RSM reported.

Multifamily cap rates have declined by 0.79% since the second quarter of 2020, compared to an average decline of 0.15% in the three years prior, according to CoStar.

RSM said it's been more difficult for deals to achieve investment goals because of rising valuations.

Paul Bergeron reports for GlobeSt.com.

Consumer Spending May Be Worse Than It Seems

by Erik Sherman

The data have been clear month after month. Even in the face of heavy inflation, consumers have continued to increase their spending. And if that's the case, then everything should be fine, because that spending is almost 70% of GDP, right?

Maybe not. The problem with discussing averages is that the country isn't one where everyone sits at average, or that distributions among people are even. They aren't. That makes getting a true picture of the economy, based on consumer spending, difficult.

"While U.S. adults earning $100,000 or more seem to be taking inflation in stride when it comes to purchasing decisions, those in households earning below $100,000 a year are increasingly pulling back, with sticker shock and trading down taking a toll on spending growth," says new data from Morning Consult.

STOCK.ADOBE.COM

Average results might mask how badly inflation is hurting.

That behavior can vary widely by socioeconomic group shouldn't be surprising. Reports of numeric analyses often focus on simple-to-understand single numbers, like the median or average or total. All useful information, but still limited because none of them give much insight into the distribution.

"Robust spending by higher-earning adults is masking the degree to which purchasing power is deteriorating across the income distribution of U.S. consumers, according to the latest release of Morning Consult's Consumer Purchasing Power Barometer," the firm says.

The data is different from the government's calculations, but if it gives a somewhat accurate look into the distributions of reactions to the economic situation, it's a valuable addition. If Morning Consult is correct, then what seems to have been an increasing amount of spending according to the government may actually be more spending by wealthier households and less spending by those that make less, which is the majority of the country. The effect is similar to looking at the spending of ten people. Two of them spend $20,000 each in a month and the other eight only have enough to spend $200 each. But the total is $41,600, or $4,160 each, which is far from reality.

According to Morning Consult's take, real spending has "deteriorated since March." The Bureau of Economic Analysis shows positive change since March except for May.

"[A] deeper look at divergences across demographics reveals worrying signs for the trajectory of consumer spending growth," says Morning Consult. The potential that they might be right should be concerning. Yes, almost 70% of GDP is consumer spending. Reduce consumer spending growth and you're likely looking at a shrinking GDP. The country would also be looking at difficulty saving, harder times paying for things, and less ability to purchase. That ultimately could affect jobs, retail, and set off waves of impact on all sorts of real estate.

Erik Sherman reports for GlobeSt.com.

Proptech Firm VendorPM Completes a $20M Series A

by Erik Sherman

VendorPM, a proptech firm, announced the completion of a $20 million Series-A fundraising round. The company makes software for property managers for vendor management, sourcing, procurement, and compliance.

The money is expected to go to further building out the company, expansion into additional markets like Chicago and Washington, D.C., and the development of new products.

Leading the round was Prudence, with "significant contribution from Bessemer Venture Partners, Navitas Capital and Alate Partners." In addition, "strategic investors in the round include Colliers and RXR alongside notable angels; Dick Costolo (Former CEO of Twitter), Mark Rose (Chair & CEO of Avison Young) and others."

The round follows a previous $6 million seed round led by Bessemer Venture Partners.

"The VendorPM SaaS platform and marketplace supports over 5,000 buildings and close to 40,000 service vendors across major Canadian cities and a growing number of U.S. cities," the company claims. "Building managers use VendorPM for its modern, standardized approach to vendor management, sourcing, procurement and compliance."

"Currently hosting 120+ leading commercial real estate organizations and property management groups including Colliers, Golub & Co, Avison Young, BentallGreenOak and more, VendorPM plans to aggressively expand their U.S. footprint, already having undergone a strong market entry into Chicago, Illinois," it added.

VendorPM describes its system as a two-sided marketplace that "allows property managers to connect with vendors to fulfill projects and contracts of all sizes and scopes while enabling vendors to effortlessly market their services."

The platform is supposed to allow property managers to identify prescreened vendors and then manage projects across their entire portfolios.

"Property managers in North America alone spend over $400 billion to service their buildings each year and almost all of this spend is procured, managed and paid manually," the release quoted Gavin Myers, managing partner of Prudence. "VendorPM is building the automation layer for this massive segment and we're thrilled to partner with Emiel and the rest of the VendorPM team as they address this global opportunity."

Process automation has become a large area of development in many industries for a few reasons. One is that automation should reduce the need for human labor. Another is to create regularity in how work is done.

Erik Sherman reports for GlobeSt.com.

COMMERCIAL REAL ESTATE

Why It's So Difficult to Discern Where Office Use Will End Up

by Erik Sherman

It was just the other day that the Federal Reserve Bank of New York told CRE people in the office sector not to get overly worried. Although remote work was clearly here to stay to some degree, the amount of workspace in greater New York City was stable.

Just one problem: not all large tenants are buying it. As the Wall Street Journal reported, there are big companies taking additional looks at office usage because they're concerned about an economic downturn and whether they need to spend at their current rate for space they might not need.

"Companies including consulting firm Korn Ferry, business-listings provider Yelp Inc. and government contractor Leidos Holdings Inc. are scrutinizing their space needs again as they contend with high inflation, rising interest rates and an uncertain economic outlook," the *Journal* wrote. "Many businesses also have a better sense now of how many people will come back to the office on a regular basis."

And now KPMG, which had announced it would relocate from multiple locations in Manhattan to a new building in Midtown, dropped the other shoe.

SHUTTERSTOCK

Some studies say not to worry, but when big companies cut their office footprint, it's hard for CRE pros to stay calm.

According to a separate Journal story, the consulting firm plans to shrink its office space by 40% in the process.

And this is all in Manhattan, which was at the heart of the New York Fed's analysis. The result is an unpleasant point for the office industry: Trying to make predictions at this point is next to impossible for a few reasons.

One is the lack of robust data. Insights into the amount of office space that companies lease in any given city isn't nearly enough. To understand potential trends, it's necessary to also monitor usage, like how many people are showing up to work in offices and the patterns in which they do. Without a view of what's happening on the office floor, trying to gather what executives might eventually do is next to impossible.

Next is an economic masking effect. As some market watchers have told GlobeSt.com in the past, many companies made it through the pandemic reasonably well, especially with all the rescue aid from Congress and the Federal Reserve. They didn't have to immediately dump office space, even with many people working remotely, because margins were healthy and the cost of real estate already covered. The danger was any assumption that companies would continue on this path indefinitely.

Third, companies often make strategic decisions on long timeframe. Executives are waiting for more data, not only on internal space use in this case, but something to assess the overall economy and then determining what they should do.

It has been premature to take a pulse on businesses and assume the answers showed a steady path into the future. If economic pressures in the forms of ongoing supply chain issues, inflation, resulting higher interest rates, and more press hard enough, executives might look around and start counting all those empty desks and the annual amount the space runs.

Erik Sherman reports for GlobeSt.com.

New Industrial Leases Are More Expensive Than Ever

by Lynn Pollack

New industrial leases are officially more expensive than ever, with the average new lease clocking in at $1.45 more per square foot than in-place deals.

Data from CommercialEdge shows that the gap between the average lease rate and leases signed over the last 12 months "has never been higher," creating a "hefty premium for new leases and signaling that average rents will likely continue to grow at a fast clip over the coming years.

The largest gap can be observed in Southern California, with the delta between new and existing leases coming in at $4.89 in Los Angeles, at $4.56 in the highly desirable Inland Empire region, and at $4.38 in Orange County. It's a similar story in other coastal port markets like New Jersey ($3.76), Boston ($2.50) and Miami ($1.75).

Just a few inland markets without geographic constraints on new supply saw the inverse of that trend, with new leases costing less than the market average for in-place rents: Kansas City, Denver, and St. Louis.

Leases signed in the last 12 months averaged $8.05 per square foot nationally, while national in-place rents for industrial space came in at $6.60 in July, up three cents from June and 5.3% over the last year. Rents are growing fastest in port markets like the Inland Empire (up 8.7% over the past 12 months), Boston (8%), New Jersey (7.8%), Los Angeles (7%) and Orange County (6/8%).

Lynn Pollack reports for GlobeSt.com.

STOCK.ADOBE.COM

With a few landlocked exceptions, asking rents for new leases are higher than in-place rents in most U.S. industrial markets.

Rising Costs, Shifting Outlooks Ahead For Construction Industry

by Lynn Pollack

The construction industry is poised for continued growth despite ongoing supply chain challenges, materials shortages and a dearth of skilled labor.

A new report from JLL says "major markers of activity remain in growth or strong territory" despite recession fears, noting that increasing construction starts and a strong pipeline were hallmarks of the first half of 2022. Residential construction fell from its historical peak in 2021 but continues on an expansion route, and nonresidential construction has returned to nominal growth. Nonbuilding construction is expected to increase significantly.

However, labor shortages continued "with little change." As of June 2022, construction unemployment stood at 3.7%, down 3.4% since January and down 1.8% over pre-pandemic numbers. JLL expects the labor pipeline to increasingly lag demand.

"The pullback is likely to continue as firms stabilize backlogs and plan for difficult times. As confidence and expectations adjust, more contractors are expected to stay on their current employment trajectories and to cease aggressive hiring," the report notes. "However, according to sentiment surveys, few contractors are expecting to reduce their labor force, with the majority intended to maintain current levels."

Costs continued to go up with wages increasing by 2.4% since January and materials ticking up nearly 10% in the same period. Wages have increased by 10.5% since before the pandemic, while materials have gone up by a staggering 42.5%. All told, total costs are now nearly 24% higher than they were pre-COVID.

Residential construction spending and starts were down 1.9% in June from January figures, while nonresidential building spending and starts were down just higher than 6%.

Total construction spending fell roughly 1.1% on a seasonally adjusted, annualized basis in June "and the trajectories of individual sectors have shifted rapidly in a mixed pattern," according to JLL. "Notably, public sectors for infrastructure saw continued growth and several private sectors stabilized above historic rates, albeit with moderately shrinking backlogs. Residential and other sectors began to pullback modestly from peaks earlier in the year."

Inflation is largely responsible for much of the increased spending, according to JLL, who predicts nonresidential construction will end the year even sd residential spending is in growth territory already.

"The nonresidential sector is expected to see year-over-year growth return to historical levels in 2024, as disruptions are likely to persist in to 2023. IIJA funding distribution will be limited in the next year," the report notes. Price volatility will continue to pose a major challenge for materials: while the prices of lumber, wood, plywood and paper are decreasing, the prices for concrete plastics, thermal protection, glass, finishes, energy equipment, and furnishings are ticking up.

Despite that, JLL analysts maintain confidence in the sector.

"With talk of a recession, shrinking margins, and reduced confidence, activity will likely see a further pullback, however, with significant capital investment flowing through existing projects and the IIJA, the market is likely to see continued growth through these challenges and beyond," JLL's Andrew Volz says.

Lynn Pollack reports for GlobeSt.com.

PUBLIC NOTICE

A REGULARLY SCHEDULED MEETING OF THE MIAMI CITY COMMISSION WILL BE HELD ON **SEPTEMBER 8, 2022, AT 9:00 AM** IN THE CITY COMMISSION CHAMBERS LOCATED AT MIAMI CITY HALL, 3500 PAN AMERICAN DRIVE, MIAMI, FLORIDA 33133.

THE **SEPTEMBER 8, 2022, CITY COMMISSION** MEETING WILL BE BROADCAST LIVE FOR MEMBERS OF THE PUBLIC TO VIEW ON THE CITY'S WEBSITE (WWW.MIAMIGOV.COM/TV), FACEBOOK, TWITTER, YOUTUBE AND CHANNEL 77 (COMCAST ONLY FOR RESIDENTS LIVING IN THE CITY OF MIAMI).

PUBLIC COMMENT ON AGENDA ITEMS TO BE HEARD AT THIS MEETING CAN BE SUBMITTED VIA AN ONLINE COMMENT FORM AND WILL BE DISTRIBUTED TO THE ELECTED OFFICIALS AND THE CITY ADMINISTRATION AND MADE PART OF THE RECORD. THE DEADLINE TO SUBMIT PUBLIC COMMENT VIA THE ONLINE COMMENT FORM WILL OCCUR WHEN THE CHAIRPERSON CLOSES PUBLIC COMMENT FOR THE MEETING. **PLEASE VISIT HTTP://WWW.MIAMIGOV.COM/MEETINGINSTRUCTIONS FOR DETAILED INSTRUCTIONS ON HOW TO PROVIDE PUBLIC COMMENT USING THE ONLINE PUBLIC COMMENT FORM. **

PUBLIC COMMENT ON AGENDA ITEMS TO BE HEARD AT THIS MEETING MAY ALSO BE PROVIDED IN-PERSON ON THE DAY OF THE MEETING AT CITY HALL, 3500 PAN AMERICAN DRIVE, MIAMI, FLORIDA, SUBJECT TO ANY AND ALL RULES AND PROCEDURES AS THE CITY MAY IMPLEMENT OR AMEND. PUBLIC COMMENT WILL BEGIN AT APPROXIMATELY 9:00 AM.

A COPY OF THE AGENDA FOR THE CITY COMMISSION MEETING WILL BE AVAILABLE AT: HTTP://MIAMIFL.IQM2.COM/CITIZENS/DEFAULT.ASPX

AT ITS MEETING ON **SEPTEMBER 8, 2022, AT 9:00 AM**, THE MIAMI CITY COMMISSION WILL CONSIDER THE FOLLOWING PLANNING AND ZONING ITEMS:

FILE ID 9001 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"); MORE SPECIFICALLY BY AMENDING ARTICLE 1, SECTION 1.2, TITLED "DEFINITION OF TERMS"; ARTICLE 2, SECTION 2.1.2, TITLED "INTENT"; ARTICLE 2, SECTION 2.2.4, TITLED "RULES OF CONSTRUCTION"; AND ARTICLE 7, SECTION 7.1.1, TITLED "AUTHORITIES," TO CORRECT CERTAIN WEAKNESSES THAT EXIST REGARDING THE INTENT OF MIAMI 21 CODE PROVISIONS; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 10771 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), SPECIFICALLY BY AMENDING ARTICLE 6, TITLED "SUPPLEMENTAL REGULATIONS", TO PROVIDE CLARIFICATION AND ADDITIONAL STANDARDS REGARDING OUTDOOR DINING AND OPEN AIR RETAIL; ALLOWING OUTDOOR DINING BY RIGHT IN CERTAIN CIRCUMSTANCES; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 6117 AN ORDINANCE OF THE MIAMI CITY COMMISSION PURSUANT TO ARTICLES 3 AND 7 OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), BY REZONING CERTAIN PARCELS FROM "T5-O", URBAN CENTER-OPEN, AND "T5-R", URBAN CENTER-RESTRICTED, TO "CS", CIVIC SPACE, AND "T6-8A-O", "T6-8B-O", AND "T6-12-O", URBAN CORE-OPEN, FOR THE DEVELOPMENT OF APPROXIMATELY 25.97 ACRES (1,131,253 SQUARE FEET) FOR THE "SABAL PALM VILLAGE SPECIAL AREA PLAN" ("SAP") GENERALLY LOCATED AT **5175 NORTHEAST 2 AVENUE, 5035 NORTHEAST 2 AVENUE, AND 5125 NORTHEAST 2 COURT**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", CONSISTING OF A PHASED PROJECT DIVIDED INTO A MAXIMUM OF FOUR (4) PHASES WHICH INCLUDE APPROXIMATELY 2,929 RESIDENTIAL DWELLING UNITS, 400 LODGING UNITS, 168,011 SQUARE FEET OF OFFICE SPACE, 296,297 SQUARE FEET OF COMMERCIAL SPACE, 43,760 SQUARE FEET OF SPECIAL TRAINING/VOCATIONAL SCHOOL, AND 4,782 PARKING SPACES; MODIFYING THE TRANSECT ZONE REGULATIONS THAT ARE APPLICABLE TO THE SUBJECT PARCELS AND WHERE A REGULATION IS NOT SPECIFICALLY MODIFIED BY THE SAP, THE REGULATIONS AND RESTRICTIONS OF THE MIAMI 21 CODE APPLY; THE SQUARE FOOTAGE NUMBERS ABOVE ARE APPROXIMATE AND MAY INCREASE OR DECREASE AT TIME OF BUILDING PERMIT BUT SHALL NOT EXCEED 5,899,658 SQUARE FEET OF TOTAL DEVELOPMENT AND SHALL CONTAIN A MINIMUM OF 195,272 SQUARE FEET OF CIVIC SPACE AND A MINIMUM OF 248,923 SQUARE FEET OF OPEN SPACE; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 6118 AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUES, BETWEEN SPV REALTY LC AND THE CITY OF MIAMI ("CITY") RELATING TO THE REZONING OF CERTAIN PARCELS FOR THE DEVELOPMENT OF NET 22.47 ± ACRES FOR THE SABAL PALM VILLAGE SPECIAL AREA PLAN ("SPV SAP") COMPRISED OF AN ASSEMBLAGE OF PARCELS LOCATED AT APPROXIMATELY **5175 NORTHEAST 2 AVENUE, 5035 NORTHEAST 2 AVENUE, AND 5125 NORTHEAST 2 COURT**, MIAMI, FLORIDA, ALL AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED, FOR THE PURPOSE OF REDEVELOPMENT OF LAND FOR MIXED USES; AUTHORIZING USES INCLUDING, BUT NOT LIMITED TO, RESIDENTIAL, COMMERCIAL, LODGING, CIVIC, EDUCATIONAL AND CIVIL SUPPORT, PARKING, AND ANY OTHER USES AUTHORIZED BY THE SPV SAP AND PERMITTED BY THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN – FUTURE LAND USE MAP DESIGNATION AND ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE DEVELOPMENT AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 12008 AN ORDINANCE OF THE MIAMI CITY COMMISSION, AMENDING APPENDIX E, BRICKELL CITY CENTRE SPECIAL AREA PLAN ("BCC SAP") OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), TO APPROVE THE FOURTH AMENDMENT TO THE PREVIOUSLY APPROVED "BCC SAP"; TO MAKE PROVISION FOR THE ONE BCC SIGNATURE OFFICE DEVELOPMENT, AN ALTERNATE CONCEPT FOR THE ONE BCC PARCEL, WHICH MAY UTILIZE CERTAIN DESIGN FLEXIBILITIES THAT INCLUDES LARGER TOWER FLOORPLATES FOR THE PROPERTY GENERALLY LOCATED AT 799 BRICKELL PLAZA, 700 BRICKELL AVENUE, AND 710 BRICKELL AVENUE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 12064 AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), RECOMMENDING APPROVAL OF A THIRD AMENDMENT TO A PREVIOUSLY APPROVED DEVELOPMENT AGREEMENT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN SWIRE PROPERTIES, INC. ("APPLICANT"), AFFILIATED PARTIES, AND THE CITY OF MIAMI, FLORIDA ("CITY"), BY MODIFIYING THE EXISTING SAP REGULATING PLAN, AS AMENDED AND DESIGN GUIDELINES TO REFLECT CERTAIN REVISED BUILDING PARAMETERS FOR THE ONE BCC SIGNATURE OFFICE CONCEPT, LOCATED AT APPROXIMATELY **700 BRICKELL AVENUE, 710 BRICKELL AVENUE AND 799 BRICKELL PLAZA**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED, TO MAKE PROVISION FOR THE ONE BCC SIGNATURE OFFICE DEVELOPMENT, AN ALTERNATE CONCEPT FOR THE ONE BCC PARCEL, WHICH MAY UTILIZE CERTAIN DESIGN FLEXIBILITIES THAT INCLUDES LARGER TOWER FLOORPLATES; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE DEVELOPMENT AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, FOR SAID PURPOSE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 12302 AN ORDINANCE TO THE MIAMI CITY COMMISSION AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), BY CHANGING THE ZONING CLASSIFICATION FROM "T3- R" SUB-URBAN TRANSECT ZONE – RESTRICTED TO "CS" CIVIC SPACE ZONE FOR THE PROPERTY GENERALLY LOCATED AT **600 SOUTHWEST 63 AVENUE, 610 SOUTHWEST 63 AVENUE, 601 SOUTHWEST 63 COURT, AND 615 SOUTHWEST 63 COURT**, MIAMI, FLORIDA, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 12217 AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), PURSUANT TO ARTICLES 3 AND 7 OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), REZONING CERTAIN PARCELS OF APPROXIMATELY 130 ACRES (5,677,404 SQUARE FEET) FOR THE DEVELOPMENT OF THE "MIAMI FREEDOM PARK SPECIAL AREA PLAN" ("SAP"), LOCATED AT APPROXIMATELY **1400 NORTHWEST 37 AVENUE AND A PORTION OF 1550 NORTHWEST 37 AVENUE**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; THE SAP CONSISTS OF THE APPROVAL OF A SOCCER STADIUM, NEW LODGING USE ("HOTEL"), COMMERCIAL SPACE, OFFICE SPACE, PARKING SPACES, PEDESTRIAN PROMENADE, PLAZA, GREEN CIVIC SPACE TYPE, AND A PUBLIC PARK; THE SAP WILL MODIFY THE TRANSECT ZONE REGULATIONS THAT ARE APPLICABLE TO THE SUBJECT PROPERTY AND WHERE A REGULATION IS NOT SPECIFICALLY MODIFIED BY THE SAP, THE REGULATIONS AND RESTRICTIONS OF THE MIAMI 21 CODE WILL APPLY; FURTHER CHANGING THE ZONING TRANSECT OF THE ACREAGE DESCRIBED HEREIN AND IN EXHIBIT "A", ATTACHED AND INCORPORATED, FROM "CS", CIVIC SPACE TRANSECT ZONE, TO "CI", CIVIC INSTITUTIONAL TRANSECT ZONE, AND TO "T6-8-O", URBAN CORE – OPEN TRANSECT ZONE; ALL AS FURTHER DESCRIBED IN THE REGULATING PLAN AND CONCEPT BOOK, ATTACHED AND INCORPORATED AS EXHIBITS "B" AND "C'; MAKING FINDINGS OF FACT AND STATING CONCLUSIONS OF LAW; PROVIDING FOR BINDING EFFECT; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 12218 AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), APPROVING A DEVELOPMENT AGREEMENT PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BETWEEN MIAMI FREEDOM PARK, LLC AND THE CITY OF MIAMI TO GOVERN THE LEASED PORTION OF THE MIAMI FREEDOM PARK SPECIAL AREA PLAN ("SAP") COMPRISED OF APPROXIMATELY SEVENTY-THREE (73) ACRES OF PROPERTY LOCATED AT APPROXIMATELY **1400 AND 1550 NORTHWEST 37 AVENUE**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED, ("PROPERTY") FOR THE PURPOSE OF REDEVELOPMENT OF SUCH PROPERTY FOR A SOCCER STADIUM, PARKING GARAGE, AND OTHER USES; AUTHORIZING THE FOLLOWING USES INCLUDING, BUT NOT LIMITED TO COMMERCIAL, LODGING, RETAIL, AND OFFICE, AND ANY OTHER USES AUTHORIZED BY THE SAP; SPECIFICALLY PROVIDING FOR THE SAP TO CONSIST OF A 25,000-SEAT SOCCER STADIUM, A PARKING GARAGE CONTAINING 4,960 PARKING SPACES WITH ROOFTOP SPORTS FIELDS, MIXED USE RETAIL AND COMMERCIAL, A HOTEL, AND OFFICES; THE SAP DEVELOPMENT SHALL CONTAIN A MINIMUM OF 6.55 ACRES OF CIVIC SPACE; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE DEVELOPMENT AGREEMENT, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY, AND WITH THE MODIFICATIONS STATED HEREIN FOR SAID PURPOSE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 12220 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), BY CHANGING THE ZONING CLASSIFICATION FROM "CI", CIVIC INSTITUTION TRANSECT ZONE, TO "CS", CIVIC SPACE TRANSECT ZONE, OF THE PROPERTY LOCATED AT **2735 NORTHWEST 10 AVENUE AND 2615 NORTHWEST 8 AVENUE**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 12222 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, THE ZONING CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "CI", CIVIC INSTITUTION TRANSECT ZONE, TO "CS", CIVIC SPACE TRANSECT ZONE, OF THE PROPERTY GENERALLY LOCATED AT **150 NORTHEAST 19 STREET**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 12224 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), BY CHANGING THE ZONING CLASSIFICATION FROM "CI-HD", CIVIC INSTITUTION – HEALTH DISTRICT TRANSECT ZONE, TO "CS", CIVIC SPACE TRANSECT ZONE, OF THE PROPERTY GENERALLY LOCATED AT **1950 NORTHWEST 12 AVENUE, MIAMI**, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 12226 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, BY CHANGING THE ZONING CLASSIFICATION FROM "CI", CIVIC INSTITUTION TRANSECT ZONE, AND "T5-L", URBAN CENTER TRANSECT ZONE – LIMITED, TO "CS", CIVIC SPACE TRANSECT ZONE, OF THE PROPERTY GENERALLY LOCATED AT **1641, 1649, 1651, AND 1680 NORTHWEST 5 STREET AND 1610 NORTHWEST 6 STREET**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 12228 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING THE ZONING ATLAS OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), BY CHANGING THE ZONING CLASSIFICATION FROM "CI", CIVIC INSTITUTION TRANSECT ZONE, TO "CS", CIVIC SPACE TRANSECT ZONE, OF REAL PROPERTY GENERALLY LOCATED AT **3851 RICKENBACKER CAUSEWAY**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

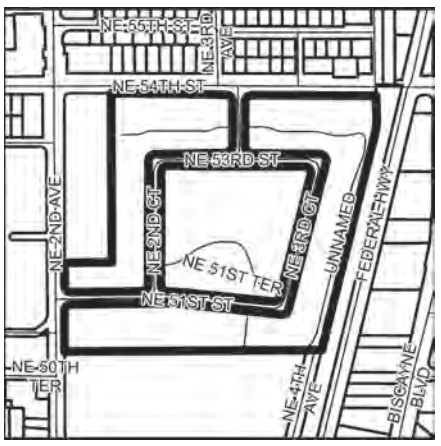
FILE ID 11616 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ARTICLE 6 "SUPPLEMENTAL REGULATIONS" AND APPENDIX J: WYNWOOD NEIGHBORHOOD REVITALIZATION DISTRICT ("NRD-1") OF ORDINANCE NO. 13114 ("MIAMI 21 CODE"), AS AMENDED, MORE SPECIFICALLY BY AMENDING ARTICLE 6, TITLED "SUPPLEMENTAL REGULATIONS" TABLE 13, APPENDIX J SECTION 2, TITLED "PURPOSE AND INTENT", APPENDIX J SECTION 3, TITLED "GENERAL TO ZONES", APPENDIX J SECTION 4, TITLED "STANDARDS AND TABLES" AND APPENDIX J SECTION 5, TITLED "SPECIFIC TO ZONES", TO ESTABLISH A PROGRAM FOR MICRO DWELLING UNITS IN THE WYNWOOD NEIGHBORHOOD REVITALIZATION DISTRICT ("NRD-1"); TO AMEND THE SCOPE OF REVIEW OF THE WYNWOOD DESIGN REVIEW COMMITTEE ("WDRC"); TO AMEND THE OFF-STREET PARKING REQUIREMENTS RELATING TO EXISTING STRUCTURES AND FOR NEW SMALL-SCALE DEVELOPMENT; TO AMEND THE REQUIREMENTS OF ATTAINABLE MIXED INCOME DEVELOPMENTS; TO AMEND THE SMALL BUILDING PARKING STANDARDS; TO AMEND ROOFTOP DEVELOPMENT STANDARDS; AND TO AMEND THE REQUIREMENTS FOR PAINTED ART MURALS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 11824 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ARTICLE 4 OF ORDINANCE NO. 13114, THE ZONING ORDINANCE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("MIAMI 21 CODE"), TITLED "STANDARDS AND TABLES", MORE SPECIFICALLY BY AMENDING ARTICLE 4, TABLE 12, TITLED "DESIGN REVIEW CRITERIA", TO AMEND THE CRITERIA FOR THE REVIEW OF ENTITLEMENTS APPLIED FOR UNDER THE MIAMI 21 CODE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

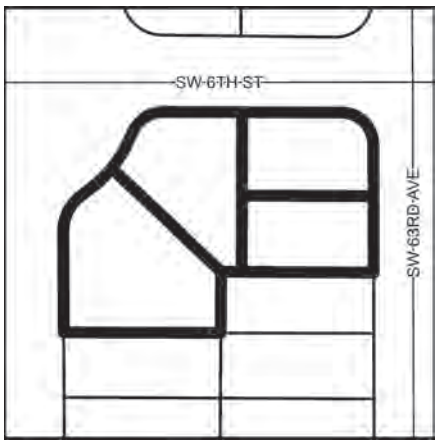
NOTICE OF CHANGE OF LAND USE

THE CITY OF MIAMI PROPOSES TO CHANGE THE USE OF LAND WITHIN THE AREA SHOWN IN THE MAP IN THIS ADVERTISEMENT. A PUBLIC HEARING ON THE PROPOSAL WILL BE HELD ON **SEPTEMBER 8, 2022, AFTER 9:00 AM** AT MIAMI CITY HALL, 3500 PAN AMERICAN DRIVE:

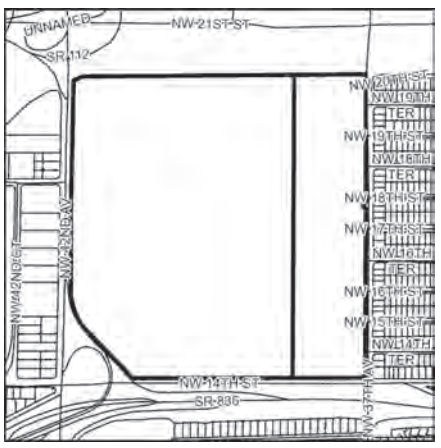
FILE ID 6608 AN ORDINANCE OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AMENDING ORDINANCE NO. 10544, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, AS AMENDED, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "MEDIUM DENSITY RESTRICTED COMMERCIAL" TO "PUBLIC PARKS AND RECREATION" OF APPROXIMATELY 1.87 ACRES OF A PORTION OF REAL PROPERTY LOCATED AT **5175 AND 5035 NORTHEAST 2 AVENUE** AND FROM "MEDIUM DENSITY RESTRICTED COMMERCIAL" TO "RESTRICTED COMMERCIAL" OF APPROXIMATELY 24.10 ACRES OF A PORTION OF REAL PROPERTY LOCATED AT **5175 AND 5035 NORTHEAST 2 AVENUE AND ALL OF 5125 NORTHEAST 2 COURT**, MIAMI, FLORIDA, ALL AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED AND INCORPORATED; MAKING FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.



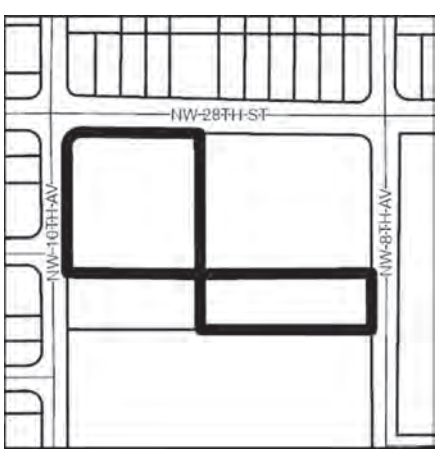
FILE ID 12301 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "SINGLE-FAMILY RESIDENTIAL" TO "PUBLIC PARKS AND RECREATION" OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY LOCATED AT **600 SOUTHWEST 63 AVENUE, 610 SOUTHWEST 63 AVENUE, 601 SOUTHWEST 63 COURT, AND 615 SOUTHWEST 63 COURT**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED; MAKING FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.



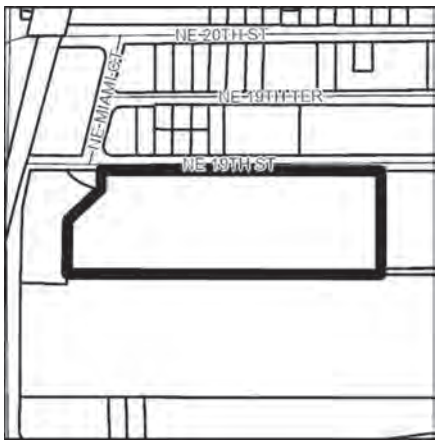
FILE ID 12216 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "PUBLIC PARKS AND RECREATION" TO "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION, AND UTILITIES" AND" RESTRICTED COMMERCIAL" OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY GENERALLY LOCATED AT **1400 AND 1550 NORTHWEST 37 AVENUE**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.



FILE ID 12219 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION, AND UTILITIES" TO "PUBLIC PARKS AND RECREATION" OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY LOCATED AT **2735 NORTHWEST 10 AVENUE AND 2615 NORTHWEST 8 AVENUE**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

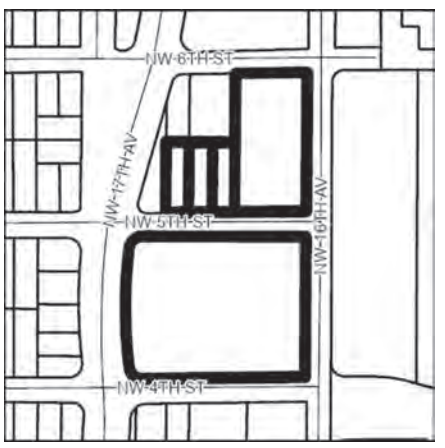


FILE ID 12221 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION, AND UTILITIES" TO "PUBLIC PARKS AND RECREATION" OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY GENERALLY LOCATED AT **150 NORTHEAST 19 STREET**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.



FILE ID 12223 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION, AND UTILITIES" TO "PUBLIC PARKS AND RECREATION" OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY GENERALLY LOCATED AT **1950 NORTHWEST 12 AVENUE**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

FILE ID 12225 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION, AND UTILITIES" AND "MEDIUM DENSITY RESTRICTED COMMERCIAL" TO "PUBLIC PARKS AND RECREATION" OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY LOCATED AT **1641, 1649, 1651, AND 1680 NORTHWEST 5 STREET AND 1610 NORTHWEST 6 STREET**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A," ATTACHED AND INCORPORATED; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.



FILE ID 12227 AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING ORDINANCE NO. 10544, AS AMENDED, THE FUTURE LAND USE MAP OF THE MIAMI COMPREHENSIVE NEIGHBORHOOD PLAN, PURSUANT TO SMALL SCALE AMENDMENT PROCEDURES SUBJECT TO SECTION 163.3187, FLORIDA STATUTES, BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "MAJOR INSTITUTIONAL, PUBLIC FACILITIES, TRANSPORTATION, AND UTILITIES" TO "PUBLIC PARKS AND RECREATION" OF THE ACREAGE DESCRIBED HEREIN OF REAL PROPERTY LOCATED AT **3851 RICKENBACKER CAUSEWAY**, MIAMI, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; MAKING FINDINGS; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a lobbyist with the City Clerk prior to engaging in lobbying activities before city staff, boards, committees or the City Commission.

Should any person desire to appeal any decision of the City Commission with respect to any matter to be considered at this meeting, that person shall ensure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F/S 286.0105).

In accordance with the Americans with Disabilities Act of 1990, all persons who require special accommodations in order to participate in this meeting should contact the Office of the City Clerk at (305) 250-5361 (Voice) no later than two (2) business days prior to the proceeding. TTY users may call via 711 (Florida Relay Service) no later than two (2) business days prior to the proceeding.

Hearing Boards Ad No. HB22-0086

8/26

22-37/0000616275M

DAILY BUSINESS REVIEW

CLASSIFIEDS

LAWJOBS.COM
When results matter
#1 Global Legal Job Site
Ranked by Alexa

Carol Robertson ■ 212.457.7850 ■ crobertson@alm.com

An ALM Product

ATTORNEY WANTED

LITIGATION ATTORNEY, COMPLEX BUSINESS DISPUTES

Are you an experienced litigator looking to work with an excellent trial team?

Would you like to be challenged in workplace in Patent and IP litigation?

Our client has 6 lawyers and is growing.

Appellate experience is a plus

Our client is conveniently located near I-95 in Fort Lauderdale.

We are interviewing and hiring quickly for this position, send your resume in ASAP!

What we are looking for:

- You should have experience with complex commercial litigation and proficient in pre-trial and trial practice
- Strong organizational and legal analytical skills, have proficient writing ability, have experience and be proficient with the collection, processing, and eDiscovery
- Must be admitted to the Florida State Bar
- Ability to manage a demanding caseload
- Excellent verbal and written communication skills

Please send resume to:
marko@nowhiringu.com

ATTORNEY WANTED

THE HAGGARD LAW FIRM

ASSOCIATE TRIAL ATTORNEY

The Haggard Law Firm, PA is a boutique civil litigation law firm representing clients who have been injured or killed through the fault of others. We are seeking a highly motivated and skilled trial attorney to join our team.

The following are the essential job functions for the position:

- Ability to handle and try personal injury cases from inception through trial/resolution.
- Demonstrate exceptional legal research and writing skills
- Draft substantive pleadings, motions, briefs, discovery and other necessary legal documents
- Must be flexible with the ability to handle multiple projects simultaneously in a fast-paced litigation environment.
- Timely complete required trial and administrative tasks
- Ability to work as a team member and independently handle various tasks

Required knowledge, skills and ability:

- 3-4 years of experience (civil preferred, or with a mixture of Public Defender/State Attorney experience)
- Juris Doctorate from accredited law school
- Licensed in Florida and a member in good standing

Resumes should be emailed to: Stacy Laffere at:
slaffere@haggardlawfirm.com

PARALEGAL

GRYC

EXPERIENCED NURSE PARALEGAL

Prestigious Coral Gables law firm seeks a **Nurse Paralegal** with experience in drafting expert affidavits and notice of intent letters to comply with Florida's medical malpractice presuit requirements.

Additional responsibilities include collecting and analyzing medical records; cross-checking facts; verifying accuracy and authenticity of the information; preparing chronologies; defining the applicable standard of care and noting any deviations from and adherences to the standard of care; assessing alleged damages/injuries; identifying potential parties to the case; locating, interviewing, and preparing experts; and composing, organizing, and filing legal documents.

At least 3 years of relevant law firm experience preferred.

Excellent verbal and written communication skills required. We offer a complete benefits package including health/dental insurance, 401(k) plan, paid vacation, and sick leave. Salary is commensurate with experience.

E-mail resume to:
LKA@grossmanroth.com.
All inquiries will be handled confidentially.

PARALEGAL

GRYC

PRESUIT LEGAL ASSISTANT

Coral Gables law firm of Grossman Roth Yaffa Cohen has an immediate opening for a full-time permanent Personal Injury Legal Assistant to become part of our team!

You will provide critical support to our medical malpractice investigative staff division who are friendly and excited to mentor a new team member.

Duties will include E-filing, scheduling, organizing files, requesting records, transcription and you will also have opportunity to interact directly with our clients and medical experts. You will also have the opportunity to work with the lawyers overseeing these cases.

The ideal applicant will have no less than 3 years of experience working as a Legal Assistant and must be proficient in Microsoft Word, Outlook and Adobe Acrobat. Bilingual is preferred but not required.

We offer a complete benefits package including health/dental insurance, 401(k) plan, paid vacation and sick leave. Salary is commensurate with experience.

E-mail resume with cover letter to:
LKA@grossmanroth.com.
All inquiries will be handled confidentially.

dbr DAILY BUSINESS REVIEW

CLASSIFIEDS

LAWJOBS.COM
When results matter
#1 Global Legal Job Site
Ranked by Alexa

Carol Robertson ■ 212.457.7850 ■ crobertson@alm.com

An ALM Product

GENERAL

A WEEKLY REPORT FROM
LTN
Legaltech News
For daily tech news go to legaltechnews.com

Larger Firms Lag Their Smaller Counterparts in Adopting Cloud Technologies

by Isha Marathe

By now, it's no secret that the pandemic years have changed the way legal, along with most other industries, use technology.

These days, firms are using more virtual communication tools than ever, and are relying on cloud technology to share documents with users in various locations.

However, the executive summary of the ILTA's Technology Survey 2022 released Wednesday points at certain shifts in the types of technology used in different law firms. While many law firms are becoming more comfortable with cloud-based tools, for instance, the transition is being led by small and mid-sized firms.

"This is in keeping with a common perception that cloud services require less resources to support," noted the executive summary.

This year's survey was based on answers from 541 firms.

When asked what technologies they currently have in the cloud, or which ones will be in the cloud within the next 12 months, 80% of respondents from smaller firms with less than 50 lawyers pointed to email, while 47% pointed to time and billing. Among larger firms with more than 700 lawyers, 62% pointed to email and 38% to time and billing.

In fact, of the more than 20 types of solutions surveyed, smaller and mid-sized firms with less than 150 lawyers had more of them in the cloud than their larger counterparts. This was the case for all solutions except for docketing, human resource information systems, intellectual property or trademark management, knowledge management, learning management systems, marketing, Microsoft SharePoint, project management and records management.

As the pandemic years spurred more cloud adoption, firms are becoming more selective about their tools, especially when it comes to communication and collaboration platforms.

Still, despite the differences in cloud migration, a general shift toward the cloud is ubiquitous. Indeed, cloud-based document management tools saw a 10% increase across the board—and is likely to be the norm for half of all firms next year. Cloud-based docketing and email security tools also saw a 7% increase each. The only technology that showed a decrease in cloud migration was IP or trademark management, with a 2% drop.

Additionally, for firms that are planning to replace their billing systems in the next 12 months, nearly 75% of respondents noted that they would be transferred to the cloud.

To be sure, more firms are not only relying on cloud technology but also expecting that the coming years will trend toward increased cloud usage.

Compared with 2021, where 16% of respondents thought cloud technology would cause significant change within the legal tech profession, 25% agreed with that sentiment in 2022.

Of course, law firms also found other technologies will likely impact the market in the near future. Many respondents pointed to artificial intelligence as the next tool to cause ripples, coming in at 22% this year from a 15% last year. Then, tools such as telework, automation, security, collaboration and analytics followed, in that order.

When it comes to virtual communication, Legaltech News has reported on the increased dependence among lawyers on Zoom, Slack and others. However, as of 2022, the clear winner is Microsoft Teams, with 42% of respondents reporting having it.

What's more, the adoption of Teams jumped dramatically to a 36% in 2021 from a mere 4% usage in 2020. Cisco Unified Communications ranks next at around 28% usage in 2022, a slight drop from previous years. Then Zoom comes in at a close 26%, a spike from 2021's 8% usage.

What technology firms can deploy, however, will likely depend on the maturity and ability of their information technology department.

However, many firms noted that they were unable to properly evaluate the performance of their IT department, according to the survey. Among those that did evaluate the metric, downtown per month and help desk ticket feedback were some of the most common criteria used.

Isha Marathe reports for Legaltech News, an ALM affiliate of the Daily Business Review. Contact her at imarathe@alm.com.

There Will Be Math: Modern Legal Teams Need E-Discovery, Attorney Collaboration

by Cassandre Coyer

If lawyers had somehow gotten away with avoiding the math and data before, it is becoming increasingly more difficult—and potentially counterintuitive—for them to do so. Still, it has been challenging for e-discovery professionals to educate lawyers as the two groups have often been kept apart.

Speakers at ILTACON 2022's "I Was Told There Would Be No Math: How to Talk to Lawyers About E-Discovery and Data" panel on Wednesday discussed how having what they called a "modern legal team"—one that involves more collaboration between attorneys and e-discovery professionals—will help bridge the gap between the two.

Currently, most lawyers are not trained in legal technology or math, noted David Cohen, the chair of Reed Smith's records and e-discovery practice group. Whether the lack of training is due to a lack of time, incentive or resources, the result is all the same: as tech continues to evolve, it is getting easier for lawyers to fall behind.

What's more, lawyers and clients are driven by budgets, deadlines and billable hours, Cohen added, and legal tech education doesn't always organically find its place among the rest.

"As much as we would like to learn more … we can't bill our clients for that time," he said.

SHUTTERSTOCK

An ILTACON 2022 panel discussed how the "modern legal team" must be one that fosters collaboration between lawyers and e-discovery professionals as early in the process as possible.

Still, solutions already exist to help e-discovery professionals engage with attorneys and educate them on legal technology and data in general—it's just a matter of using those.

Ricky Brooman, director of litigation support services at Saul Ewing Arnstein & Lehr, noted that one of these solutions is to encourage attorneys to get rid of old habits and rely more on their subject-matter experts to break down some of the existing silos and foster collaboration.

"It's working a new muscle that some attorneys are not … used to," Brooman said, adding that the "modern legal team" is one that involves attorneys and other professionals such as e-discovery advisers.

However, that collaboration can be difficult if e-discovery advisers get involved in the process too late.

Whether it be to determine schedules and discovery deadlines or setting the right expectations for budgets, e-discovery professionals and lawyers have to start collaborating and communicating as early in the process as possible, said Joseph Cusumano, associate director of litigation support at Kasowitz Benson Torres.

Looking ahead, speakers argued that e-discovery professionals should aim to make suggestions "beyond the assignment" when educating lawyers, which can be especially helpful as "attorneys don't always know what to ask for," Cohen said.

"You can really make yourself valuable to your attorney teams and your clients by coming up with these ideas," he added.

For now, lawyers should get accustomed to the idea that "there will be math involved. … We live in a data-driven world," Brooman said.

He added. "There will be numbers involved—it's OK."

Cassandre Coyer reports for Legaltech News, an ALM affiliate of the Daily Business Review. Contact her at ccoyer@alm.com. On Twitter: @cassandrecoyer1.