

YOUR PUBLIC NOTICE PARTNER

BE AWARE OF CHANGES TO HB 35 (2021 LEGAL NOTICE BILL)

HB 35 is the legal/public notice bill signed by Governor DeSantis on May 7. Although most bills are effective July 1, this bill does not go into effect until January 1, 2022. Also, there are additional changes in the bill that are not effective until Jan. 1, 2024.

WHAT CHANGES ARE MADE?

HB 35 makes two major changes to the current system of legal ad and public notice publication in qualified newspapers pursuant to Chapter 50.

First, the bill expands the types of newspapers that qualify for the posting of public notices under Chapter 50. The bill ends or phases out the current periodicals permit and allows legal notices to be published in some free smaller newspapers (who may lack a permit) if audience thresholds and other requirements are met.

Second, the bill allows “government agencies” to opt to publish the 18 listed government notices on a qualified newspaper website if certain procedures are followed. (We will address this change in more detail in later newsletters).

NEW QUALIFICATIONS CRITERIA

Regarding the new qualification criteria, legal notices can be placed in a newspaper with an “audience” that is at least 10% of the households in the county or municipality publishing or posting the legal or public notice, based on the latest census.

The newspaper’s “audience” is the combination of its print circulation plus the number of online unique monthly visitors in the State of Florida. There is a grandfather period that allows papers currently holding a periodicals permit to continue running notices for two years, until Jan. 1, 2024 regardless of whether they meet the 10% audience standard. Finally, newspapers publishing in Florida’s 29 fiscally constrained counties, see <https://floridarevenue.com/property/Documents/fcco081210.pdf>, do not need to meet the audience threshold so long as they hold a periodicals permit.

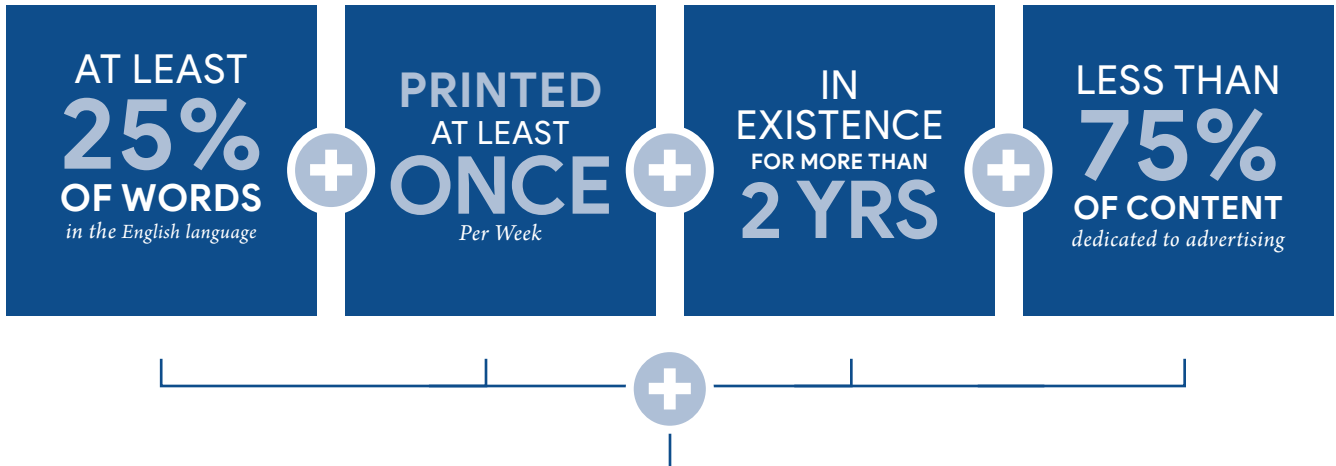
There are other requirements as well such as a limit of 75% ad content, publishing certain audit information, having an at least weekly printed newspaper, and being in existence for 2 years.

These criteria for qualified newspapers apply to all legal notices—those placed by a government agency (zoning notices, delinquent property tax notices, etc.) and those placed by a private entity (property foreclosures, storage unit, probate, etc.).

The local government or private person placing a legal notice can find out if a newspaper is compliant by looking at audit certification numbers the paper must continuously publish.

CREATIVE TALK TRACK

Below is a schematic summary of the above requirement created by Sandpaper Marketing with specific references to the bill language.



PERIODICALS PERMIT	OR	AUDITOR CERTIFICATION REQUIRED BY 1/1/2022 IF YOU DO NOT HAVE A PERIODICALS PERMIT
Audience Thresholds Compliance Deadline for newspapers:		Auditor Certified Audience Thresholds
EXEMPT WITH PERIODICALS PERMIT THROUGH: <u>1/1/2024</u>		<ul style="list-style-type: none">✓ 10% OF HOUSEHOLDS IN COUNTY OR CITY (DEPENDING ON TYPE OF NOTICE) <i>Print circulation plus total number of online unique monthly visitors in the state of Florida</i>✓ 25% OF PRINT COPIES DELIVERED TO HOMES OR BUSINESSES✓ AVAILABLE AT 10 PUBLIC OUTLETS (MINIMUM)✓ CERTIFIED EVERY 2 YEARS
WITH PERMIT & PUBLISHING IN FISCALLY CONSTRAINED COUNTY: <u>EXEMPT</u>		<i>For newspapers newly qualifying to run legal notices, the recommendation (law is silent) is that prior to becoming qualified, there should be an annual audit based on quarterly updates.</i>

ORGANIZATION LOGO

NAME
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City, State, Zip
Phone number
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