

YOUR PUBLIC NOTICE PARTNER

In previous newsletters, we have discussed the audience threshold and audit data that must be published in the newspaper to confirm it meets the audience thresholds in the county or city where the notice will be run. In this edition, we provide further information in this area, specifically regarding questions that have arisen from newspapers and others who will be subject to the new law.

Below are a few of those questions. Again, this is not intended as legal advice but rather as educational guidance to help members and governmental agencies better understand the new law and, specifically, its audit requirements.

In the next newsletter we will provide more information and resources on the audit firms that are available to provide these services.

This is not intended as a substitute for legal advice and it may be prudent to consult with counsel given that the law in some cases is silent or may allow for differing interpretations.

AUDITS AND AUDIT THRESHOLDS

Q: Can you explain how the bill's new audience threshold requirements are calculated?

A: The newspaper must have 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 "audience" is the number of papers circulated in print and the online visitors. Specifically, the print number equals the number of copies on the largest publishing day of the week (of which 25% must be home-delivered to households or individuals at business addresses in order to count) and as certified biennially by an independent third-party auditor. The online number is the online unique monthly visitors in the State of Florida as measured by industry-accepted website analytics software.

Add these two numbers up and the total must be at least 10% of the census number for "households" in either the county or the city (depending on the type of notice).

Q: Can you give me some real-world examples of how this calculation is done?

A: Here are examples for a county and a municipality:
For a newspaper to run a Miami-Dade County notice, it would need an audience (print and digital, as defined above) of 88,337 (883,372 households * .10 = 88,337 audience).

For a newspaper to meet the threshold to run notices by the City of Tallahassee, it would need a print/digital audience number of 7,595 (75,949 households * .10 = 7,595 audience).

Q: What type of audit is required?

A: The law refers to “calculating...the total number of print copies reflecting the day of highest print circulation” as “certified biennially by a certified independent third-party auditor.” There are several auditing firms who can provide this service.

Q: If the newspaper qualifies under the new audience criteria, what types of notices can it run?

A: If the paper qualifies under the new criteria, it can run any Chapter 50 legal notice whether it is a governmental notice (zoning, delinquent tax notices, etc.) or a privately placed notice (e.g., property foreclosure, probate, fictitious name, storage unit, etc.).

Q: How does the government agency or a private entity placing a legal notice determine if the newspaper meets the audience thresholds that qualify it to run them?

A: This will in large part be based on the auditor certification and audit publication/notification requirements contained in the law (see below). Those governments and private entities running notices should be or will become knowledgeable as the new year approaches of the new auditor-certified audience thresholds and where to find this information.

Q: Must the audit show the print circulation in the particular area where the notice is being run. For example, in order to run a public notice from a city, must the audit show the paper’s audience in the city? Same question for county notices.

A: Yes, the audit must show that the newspaper’s combined print distribution and online audience, as defined above, in the city is 10% of the households in the city, as per the latest census. As for a county notice, the paper’s audience in the county is looked to.

Q: What audit information must the newspaper publish under the new law?

A: The newspaper must “continually publish” in a “prominent manner:” 1) auditor’s identifying info.; 2) newspaper’s most recent statement of ownership; 3) statement of auditor certifying print distribution, and online monthly visitors. If the newspaper relies on a periodicals permit, it must publish the permit itself.

Q: Can the newspaper simply provide a print ad showing a link that allows the reader to access additional info. online?

A: As per the law, the newspaper must “publish in a prominent manner” in the “print edition” the “street address, phone number, website URL of the newspaper’s approved print auditor, the newspaper’s most recent statement of ownership, and statement of the auditor certifying the print distribution and website monthly visitors.” Providing only a link to this info. would not suffice. On the other hand, the law refers to the website URL of the auditor. In light of questions around this language, FPA will be providing a standard format for newspapers in publishing this information.



NAME
Address
City, State, Zip
Phone number
Web address

**FOR MORE INFO, CONTACT US AT
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