

YOUR PUBLIC NOTICE PARTNER

We have discussed in previous newsletters the new thresholds for newspaper legal notice qualification in Florida HB 35. In this newsletter, a second major area of the bill is discussed, and this relates to newspaper website-only notification. Specifically, the bill gives “government agencies” the option to publish certain listed governmental notices solely on the website of any “newspaper in the county to which the notice pertains” and on FPA’s statewide website at floridapublicnotices.com.

A newspaper is deemed to be a “newspaper in the county to which the legal notices pertains if it satisfies the criteria in section (1).” This means that the government agency may choose website-only notice only if it is a website of a newspaper meeting the criteria in the bill: printed at least once a week, satisfies one of the 3 criteria, contains 25% news content, etc. Internet-only news and blogger websites would not qualify.

The government can approve this option by majority vote where it finds sufficient broadband service exists in the area.

If the newspaper website-only option is taken, the agency must provide an additional weekly notice in the print edition of a newspaper within the region that states the legal notices pertaining to the agency do not all appear in the print edition of the newspaper and that additional notices may be accessed on the newspaper’s website and on the FPA site.

This newspaper website-only option applies to the 18 listed notices which range from zoning action and delinquent tax notices to forfeitures and water management district notices.

The newspaper can charge for notice published only on the newspaper’s website, but it may not exceed the rate allowed under s. 50.061 had the notice been printed.

Below are a few Q and As that summarize the above and other related issues in a creative format.

As we have noted previously, this newsletter is not intended as legal advice, but we hope it will provide useful information of the content of the new law. If at any time you would like more input on in these changes, please reach out to us at the contact information located below.

CRITERIA FOR GOVERNMENT AGENCIES TO RUN WEBSITE-ONLY LEGAL NOTICES:

- Must be voted on by the governing body at an advertised public hearing
- Must be run in legal section of qualified newspaper’s website
- Must be uploaded to FPA aggregate site
- Government agency must provide a separate notice each week in the print edition that informs readers to find notices on the newspaper’s website and on the state-wide website (<https://floridapublicnotices.com/>)
- Government agency site must include links to all newspapers where it publishes legals
- Government agency must run the legal on the website of any newspaper in the jurisdiction in which it pertains
- Cannot be charged higher rate for website-only notices than for print (50.061)

GOVERNMENT AGENCIES INCLUDE:

- County
- Municipality
- District school board
- Water management district (WMD)
- Any other unit of local government or political subdivision in the state

PUBLICATION BY GOVERNMENT AGENCIES ON NEWSPAPER WEBSITES ONLY

Q: What “governmental agencies” can run certain notices on newspaper websites only?

A: Counties, cities, school boards, and other units of local government in the state are included.

Q: What exactly are the notices a government agency can run using only a newspaper website?

A: The 18 government notices listed in the new law are:

1. Notices related to special or legal legislation
2. Educational unit notices
3. Retirement system notices
4. Notices related to inclusion of positions in the Senior Management Service Class of the Florida Retirement System
5. Notices proposing the enactment of county ordinances
6. Code enforcement notices
7. Notices proposing the enactment of municipal ordinances
8. Special district meeting notices
9. Establishment and termination notices for community development districts
10. Disclosures of tax impact by value adjustment boards
11. Advertisements of real or personal property with delinquent taxes
12. Advertisements of hearing notices, millage rates, and budgets
13. Turnpike project notices
14. Public-private partnership notices
15. Notices of prime recharge area designations for the Floridan and Biscayne aquifers
16. Water management district notices
17. Hazardous waste disposal notices
18. Forfeiture notices.

Q: Can the county commission or other government agency use a local online-news or blogging website to publish government notices under the newspaper-website only option?

A: No. They must use a website “of” a newspaper meeting the criteria in s. 50.011(1), which includes being printed. A general online news site without a printed product would not qualify.

ORGANIZATION
LOGO

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**FOR MORE INFO, CONTACT US AT
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