

YOUR PUBLIC NOTICE PARTNER

In the last newsletter, we discussed HB 35's new option allowing "governmental agencies" to publish certain listed government 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.

Below are some additional Q and As that address this new option.

As we have noted previously, the Q and As are not intended as legal advice, but we hope they 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.

Q: **What about other notices required by Florida statutes that are not on the list—must they still run in the print edition?**

A: Yes. The law says that regardless of the internet-only authorization, any other statute requiring publication in the print edition "may not be superseded." Thus, privately placed notices like those pertaining to foreclosures and storage units cannot be run using the newspaper website-only option and must continue to be placed in print. Similarly, requirements for government notices not included in the list must continue to be printed as currently required (and posted online for free).

Q: **My local county commission wants to begin running its zoning ordinance hearing notices (and others allowed under the bill) on a newspaper website only. What must they do?**

A: The "governing body," in this case the commission members, must make a determination by majority vote that that such publication is in the "public interest," and that residents have sufficient access to broadband service or through other means such that "public access is not unreasonably restricted." For more information and additional steps to ensure compliance if you'd like to move public notices to a newspaper website only, please refer to HB 35 or discuss with counsel.

Q: **If our county commission runs the notice only on a qualified newspaper website, what format and other accessibility requirements must they follow?**

A: The newspaper must post the notice in the legal notices section of the newspaper's website in the same format as newspapers currently do for free on their website when a print ad is run, as well as provide email notification upon request and upload to the FPA aggregate site. The legal notices section of the print edition of the newspaper and the newspaper website must include certain disclaimers. Finally, the government agency must provide a print notice at least weekly in a qualified newspaper in the region that provides information regarding the availability of the notices in print and online



Regarding the informational print notice required for the newspaper website-only option, where, how, and for what duration should this printed notice run?



Again, the law says the printed notice must be provided “at least once per week” in “the region in which the governmental agency is located.” The law also says such newspaper must be a qualified newspaper. As far as format/placement and duration of the notice is concerned, the law is silent. However, the best practice is to place such notice in a conspicuous place at the beginning of the legal ad section so it is not overlooked. As for duration, the law is not clear. One interpretation is that the print ad should run only for the period the substantive internet-only ads run. Alternatively, the more expansive view is that the print ad should run year-round as long as the government agency uses the internet-only option.



Must the chosen newspaper website be connected to a qualified newspaper in the county to which the legal notice pertains?



Yes, the new law requires this.



What rates are allowed under the new law if the governmental agency chooses the online newspaper-only notification route?



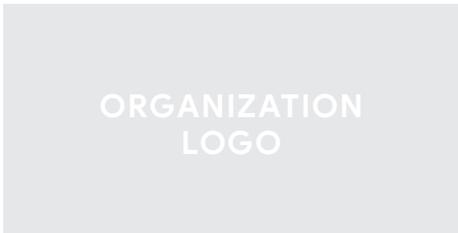
The newspaper can charge but the rate can be no higher than the amount authorized under s. 50.061 had the notice been printed in the newspaper. The charges the newspaper impose will be based on a variety of factors that go into pricing the service in the local market.



If the government agency does not opt for internet-only and continues as they do now to run their ad in print, are the allowable charges the same as they have been?



Yes, current law remains the same--the newspaper can charge the “regular established lowest commercial rate” for the print ad (unless there was a bid, in which case the bid amount prevails) but it must also post the ad to its website and upload to the aggregate site without charge.



NAME
Address
City, State, Zip
Phone number
Web address

**FOR MORE INFO, CONTACT US AT
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