An act relating to legal notices; amending s. 50.011, F.S.; revising the requirements for newspapers publishing legal notices; deleting an option for publication on a newspaper's website; providing for the publication of legal notices on certain publicly accessible websites; amending ss. 50.021, 50.0211, and 50.031, F.S.; conforming provisions to changes made by the act; creating s. 50.0311, F.S.; providing definitions; authorizing a governmental agency to publish legal notices on a publicly accessible website under certain circumstances; providing criteria for website publication; authorizing a governmental agency with a certain percentage of its population located within a county meeting a certain population threshold to use a publicly accessible website to publish legally required advertisements and public notices only if certain requirements are met; requiring a governmental agency to provide specified notice to certain residents and property owners relating to alternative methods of receiving legal notices; authorizing a governmental agency to publish certain public notices and advertisements on its governmental access channels; providing a requirement for public bid advertisements made by governmental agencies on

publicly accessible websites; amending s. 50.051, F.S.; revising a form for affidavits of publication; amending s. 50.061, F.S.; correcting a cross-reference; amending s. 50.0711, F.S.; revising provisions relating to the use of court docket funds; amending ss. 11.02, 45.031, 90.902, 120.81, 121.055, 162.12, 189.015, 190.005, 200.065, 348.0308, 348.635, 348.7605, 849.38, and 932.704, F.S.; conforming provisions to changes made by the act; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 50.011, Florida Statutes, is amended to read:

50.011 Publication of legal notices.—Whenever by statute an official or legal advertisement or a publication~~,~~ or notice in a newspaper or on a governmental agency website has been or is directed or permitted in the nature of or in lieu of process, or for constructive service, or in initiating, assuming, reviewing, exercising, or enforcing jurisdiction or power, or for any purpose, including all legal notices and advertisements of sheriffs and tax collectors, such legislation, whether existing or repealed, means either of ~~the contemporaneous and continuous intent and meaning of such legislation all and~~

~~singular, existing or repealed, is and has been and is hereby declared to be and to have been, and the rule of interpretation is and has been~~ the following:

(1) A publication in a newspaper printed and published periodically at least once a week, containing at least 25 percent of its words in the English language, available to the public generally for the publication of official or other notices and customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public, which ~~A publication in a newspaper that meets all of the following~~:

~~(a) Is printed and published periodically at least once a week.~~

~~(b) Contains at least 25 percent of its words in the English language.~~

~~(c) Satisfies one of the following criteria:~~

(a)~~1.~~ Has an audience consisting of at least 10 percent of the households in the county or municipality, as determined by the most recent decennial census, where the legal or public notice is being published or posted, by calculating the combination of the total of the number of print copies reflecting the day of highest print circulation, of which at least 25 percent of such print copies must be delivered to individuals' home or business addresses, as certified biennially

by a certified independent third-party auditor, and the total number of online unique monthly visitors to the newspaper's website from within the state, as measured by industry-accepted website analytics software. The newspaper must also be sold, or otherwise available to the public, at no less than 10 publicly accessible outlets. For legal and public notices published by nongovernmental entities, the newspaper's audience in the county or municipality where the project, property, or other primary subject of the notice is located must meet the 10 percent threshold; or.

(b)2. Is entered or qualified to be admitted and entered as periodical class mail at a post office in the county where published. Holds a periodicals permit as of March 1, 2021, and accepts legal notices for publication as of that date. Any such newspaper may continue to publish legal notices through December 31, 2023, so long as the newspaper continues to meet the requirements set forth in s. 21, chapter 99-2, Laws of Florida, and continues to hold a periodicals permit. Beginning January 1, 2024, and thereafter, any such newspaper must meet the criteria under subparagraph 1.

3. For newspapers publishing legal notices in a fiscally constrained county, holds a periodicals permit and meets all other requirements of this chapter. A newspaper qualified under this subparagraph does not need to meet the criteria under subparagraph 1. so long as the newspaper continues to hold a

~~periodicals permit. For purposes of this subparagraph, the term "fiscally constrained county" means a county within a rural area of opportunity designated by the Governor pursuant to s. 288.0656 or a county for which the value of a mill will raise no more than $5 million in revenue, based on the certified taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1.~~

~~(d) Is available to the public generally for the publication of official or other notices with no more than 75 percent of its content dedicated toward advertising, as measured in half of the newspaper's issues that are published during any 12-month period, and customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public.~~

~~(e) Continually publishes in a prominent manner the name, street address, phone number, website URL of the newspaper's approved print auditor, the newspaper's most recent statement of ownership, and a statement of the auditor certifying the veracity of the newspaper's print distribution and the number of the newspaper's website's monthly unique visitors, or the newspaper's periodicals permit, if applicable, within the first five pages of the print edition and the bottom portion of the homepage of the newspaper's website.~~

(2) A publication on a publicly accessible website under

s. 50.0311 ~~Internet publication for governmental agency notices under s. 50.0211(1)(b) on the website of any newspaper in the county to which the legal notice pertains and on the statewide legal notice website as provided in s. 50.0211(5). A newspaper is deemed to be a newspaper in the county to which the legal notice pertains if it satisfies the criteria in subsection (1)~~.

Section 2. Section 50.021, Florida Statutes, is amended to read:

50.021 Publication when no newspaper in county.—When any law, or order or decree of court, directs advertisements to be made in a county and there is no newspaper published in the county, the advertisement may be published on a publicly accessible website as provided in s. 50.0311 ~~made by publication in any newspaper qualified under this chapter in an adjoining county or on the website of any such newspaper for governmental agency notices under s. 50.0211(1)(b), and on the statewide legal notice website as provided in s. 50.0211(5)~~ or made by posting three copies thereof in three different places in the county, one of which shall be at the front door of the courthouse, and by publication in the nearest county in which a newspaper qualified under this chapter is published.

Section 3. Section 50.0211, Florida Statutes, is amended to read:

50.0211 Internet website publication.—

~~(1) As used in this section, the term:~~

~~(a) "Governmental agency" means a county, a municipality, a district school board, or any other unit of local government or political subdivision in this state.~~

~~(b) "Governmental agency notice" includes any of the following notices required by law to be published in a newspaper:~~

~~1. Notices related to special or legal legislation pursuant to s. 11.02.~~

~~2. Educational unit notices pursuant to s. 120.81.~~

~~3. Retirement system notices pursuant to s. 121.0511.~~

~~4. Notices related to inclusion of positions in the Senior Management Service Class of the Florida Retirement System pursuant to s. 121.055.~~

~~5. Notices proposing the enactment of county ordinances pursuant to s. 125.66.~~

~~6. Code enforcement notices published pursuant to s. 162.12.~~

~~7. Notices proposing the enactment of municipal ordinances pursuant to s. 166.041.~~

~~8. Special district meeting notices pursuant to s. 189.015.~~

~~9. Establishment and termination notices for community development districts pursuant to ss. 190.005 and 190.046, respectively.~~

~~10. Disclosures of tax impact by value adjustment boards~~

~~pursuant to s. 194.037.~~

~~11. Advertisements of real or personal property with delinquent taxes pursuant to s. 197.402.~~

~~12. Advertisements of hearing notices, millage rates, and budgets pursuant to s. 200.065.~~

~~13. Turnpike project notices pursuant to s. 338.223.~~

~~14. Public-private partnership notices pursuant to ss. 348.0308 and 348.7605.~~

~~15. Notices of prime recharge area designations for the Floridan and Biscayne aquifers pursuant to s. 373.0397.~~

~~16. Water management district notices pursuant to s. 373.146.~~

~~17. Hazardous waste disposal notices pursuant to s. 403.722.~~

~~18. Forfeiture notices pursuant to ss. 849.38 and 932.704.~~

(1)~~(2)~~ This section applies to legal notices that must be published in accordance with this chapter unless otherwise specified.

(2)~~(3)~~ If a governmental agency publishes a legal notice in the print edition of a newspaper, each legal notice must be published ~~posted~~ on the newspaper's website on the same day that the printed notice appears in the newspaper, at no additional charge, in a separate web page titled "Legal Notices," "Legal Advertising," or comparable identifying language. A link to the legal notices web page shall be provided on the front page of

the newspaper's website that provides access to the legal notices. If there is a specified size and placement required for a printed legal notice, the size and placement of the notice on the newspaper's website must optimize its online visibility in keeping with the print requirements. The newspaper's web pages that contain legal notices must present the legal notices as the dominant and leading subject matter of those pages. The newspaper's website must contain a search function to facilitate searching the legal notices. A fee may not be charged, and registration may not be required, for viewing or searching legal notices on a newspaper's website if the legal notice is published in a newspaper.

(3)(a)~~(4)(a)~~ If a legal notice is published in the print edition of a newspaper ~~or on a newspaper's website~~, the newspaper publishing the notice shall place the notice on the statewide website established and maintained as an initiative of the Florida Press Association as a repository for such notices located at the following address: www.floridapublicnotices.com.

(b) A legal notice placed on the statewide website created under this subsection must be:

1. Accessible and searchable by party name and case number.

2. Published ~~Posted~~ for a period of at least 90 consecutive days after the first day of publication ~~posting~~.

(c) The statewide website created under this subsection

shall maintain a searchable archive of all legal notices published ~~posted~~ on the publicly accessible website for 18 months after the first day of publication ~~posting~~. Such searchable archive shall be provided and accessible to the general public without charge.

~~(d) The Florida Press Association shall seek to ensure that minority populations throughout the state have equitable access to legal notices posted on the statewide legal notice website located at: www.floridapublicnotices.com. The Florida Press Association shall publish a report listing all newspapers that have placed notices on www.floridapublicnotices.com in the preceding calendar quarter. The report must specifically identify which criteria under s. 50.011(1)(c)1.-3. each newspaper satisfied. Each quarterly report must also include the number of unique visitors to the statewide legal notice website during that quarter and the number of legal notices that were published during that quarter by Internet-only publication or by publication in a print newspaper and on the statewide website. At a minimum, the reports for the 4 preceding calendar quarters shall be available on the website.~~

~~(5)(a) In lieu of publishing a legal notice in the print edition of a newspaper of general circulation, a governmental agency may opt for Internet-only publication of governmental agency notices with any newspaper of general circulation within the jurisdiction of the affected governmental agency so long as~~

~~the governmental agency, after a public hearing noticed in a print edition of a newspaper in accordance with this chapter, makes a determination by a majority of the members of the governing body of the governmental agency that the Internet publication of such governmental agency notices is in the public interest and that the residents within the jurisdiction of the governmental agency have sufficient access to the Internet by broadband service as defined in s. 364.02 or through other means such that Internet-only publication of governmental agency notices would not unreasonably restrict public access. Any such Internet-only publication published in accordance with this subsection must be placed in the legal notices section of the newspaper's website and the statewide legal notice website established under subsection (4). All requirements regarding the format and accessibility of legal notices placed on the newspaper's website and the statewide legal notice website in subsections (3) and (4) also apply to Internet-only publication of legal notices published in accordance with this subsection. A newspaper is deemed to be a newspaper of general circulation within the jurisdiction of the affected governmental agency if it satisfies the criteria in s. 50.011(1).~~

~~(b) The legal notices section of the print edition of a newspaper must include a disclaimer stating that additional legal notices may be accessed on the newspaper's website and the statewide legal notice website. The legal notices section of the~~

~~newspaper's website must also include a disclaimer stating that legal notices are also published in the print edition of the newspaper and on the statewide legal notice website.~~

~~(c) A newspaper may charge for the publication of any governmental agency notice that is published only on the newspaper's website, without rebate, commission, or refund; however, the newspaper may not charge any higher rate for publication than the amount that would be authorized under s. 50.061 if the governmental agency notice had been printed in the newspaper. The penalties prescribed in s. 50.061(7) for allowing or accepting any rebate, commission, or refund in connection to the amounts charged for publication also apply to any governmental agency notices that are published only on the Internet in accordance with this subsection.~~

~~(d) If a governmental agency exercises the option to publish Internet-only governmental agency notices in accordance with this subsection, such agency must provide notice at least once per week in the print edition of a newspaper of general circulation within the region in which the governmental agency is located which states that legal notices pertaining to the agency do not all appear in the print edition of the local newspaper and that additional legal notices may be accessed on the newspaper's website and that a full listing of any legal notices may be accessed on the statewide legal notice website located at www.floridapublicnotices.com. Additionally, any such~~

~~governmental agency must post a link on its website homepage to a webpage that lists all of the newspapers in which the governmental agency publishes legal notices. A newspaper is deemed to be a newspaper of general circulation within the region in which the governmental agency is located if it satisfies the criteria in s. 50.011(1).~~

~~(6) Newspapers that publish legal notices shall, upon request, provide e-mail notification of new legal notices when they are published in the newspaper or on the newspaper's website. Such e-mail notification shall be provided without charge, and notification for such an e-mail registry shall be available on the front page of the legal notices section of the newspaper's website.~~

~~(7) Notwithstanding the authorization of Internet-only publication for certain governmental agency notices in accordance with subsection (5), any other statute requiring the publication of an official legal notice in the print edition of a newspaper may not be construed to be superseded.~~

Section 4. Section 50.031, Florida Statutes, is amended to read:

50.031 Newspapers in which legal notices and process may be published.—If a governmental agency publishes a legal notice in a newspaper, no notice or publication required to be published ~~in the print edition of a newspaper or on a newspaper's website, if authorized,~~ in the nature of or in lieu

of process of any kind, nature, character, or description provided for under any law of the state, whether heretofore or hereafter enacted, and whether pertaining to constructive service, or the initiating, assuming, reviewing, exercising, or enforcing jurisdiction or power, by any court in this state, or any notice of sale of property, real or personal, for taxes, state, county, or municipal, or sheriff's, guardian's, or administrator's or any sale made pursuant to any judicial order, decree, or statute or any other publication or notice pertaining to any affairs of the state, or any county, municipality, or other political subdivision thereof, shall be deemed to have been published in accordance with the statutes providing for such publication, unless the same shall have been published for the prescribed period of time required for such publication, in a newspaper ~~or on a newspaper's website~~ which at the time of such publication shall have been in existence for 2 years and meets the requirements set forth in s. 50.011, or in a newspaper which is a direct successor of a newspaper which has been so published; provided, however, that nothing herein contained shall apply where in any county there shall be no newspaper in existence which shall have been published for the length of time above prescribed. No legal publication of any kind, nature, or description, as herein defined, shall be valid or binding or held to be in compliance with the statutes providing for such publication unless the same shall have been published in

accordance with ~~the provisions of~~ this section or s. 50.0311 ~~s. 50.0211(5)~~. Proof of such publication shall be made by uniform affidavit.

Section 5. Section 50.0311, Florida Statutes, is created to read:

50.0311 Publication of advertisements and public notices on a publicly accessible website and governmental access channels.—

(1) For purposes of this chapter, the term "governmental agency" means a county, municipality, school board, or other unit of local government or political subdivision in this state.

(2) For purposes of notices and advertisements required under s. 50.011, the term "publicly accessible website" means a county's official website or other private website designated by the county for the publication of legal notices and advertisements that is accessible via the Internet. All advertisements and public notices published on a website as provided in this chapter must be in searchable form and indicate the date on which the advertisement or public notice was first published on the website.

(3) A governmental agency may use the publicly accessible website of the county in which it lies to publish legally required advertisements and public notices if the cost of publishing advertisements and public notices on such website is less than the cost of publishing advertisements and public

notices in a newspaper.

(4) A governmental agency with at least 75 percent of its population located within a county with a population of fewer than 160,000 may use a publicly accessible website to publish legally required advertisements and public notices only if the governing body of the governmental agency, at a public hearing that has been noticed in a newspaper as provided in this chapter, determines that the residents of the governmental agency have sufficient access to the Internet by broadband service, as defined in s. 364.02, or by any other means, such that publishing advertisements and public notices on a publicly accessible website will not unreasonably restrict public access.

(5) A special district spanning the geographic boundaries of more than one county that satisfies the criteria for publishing and chooses to publish legally required advertisements and public notices on a publicly accessible website must publish such advertisements and public notices on the publicly accessible website of each county it spans. For purposes of this subsection, the term "special district" has the same meaning as in s. 189.012.

(6) A governmental agency that uses a publicly accessible website to publish legally required advertisements and public notices shall provide notice at least once per year in a newspaper of general circulation or another publication that is mailed or delivered to all residents and property owners

throughout the government's jurisdiction, indicating that property owners and residents may receive legally required advertisements and public notices from the governmental agency by first-class mail or e-mail upon registering their name and address or e-mail address with the governmental agency. The governmental agency shall maintain a registry of names, addresses, and e-mail addresses of property owners and residents who have requested in writing that they receive legally required advertisements and public notices from the governmental agency by first-class mail or e-mail.

(7) A link to advertisements and public notices published on a publicly accessible website shall be conspicuously placed:

(a) On the website's homepage or on a page accessible through a direct link from the homepage.

(b) On the homepage of the website of each governmental agency publishing notices on the publicly accessible website or on a page accessible through a direct link from the homepage.

(8) A governmental agency that has a governmental access channel authorized under s. 610.109 may also include on its governmental access channel a summary of all advertisements and public notices that are published on a publicly accessible website.

(9) A public bid advertisement made by a governmental agency on a publicly accessible website must include a method to accept electronic bids.

Section 6. Section 50.051, Florida Statutes, is amended to read:

50.051 Proof of publication; form of uniform affidavit.—The printed form upon which all such affidavits establishing proof of publication are to be executed shall be substantially as follows:

NAME OF COUNTY

STATE OF FLORIDA

COUNTY OF ....:

Before the undersigned authority personally appeared ...., who on oath says that he or she is .... of ~~the ...., a .... newspaper published at .... in~~ .... County, Florida; that the attached copy of advertisement, being a .... in the matter of .... in the .... Court, was published on the publicly accessible website of .... County, Florida, or in a ~~said~~ newspaper by print in the issues of .... ~~or by publication on the newspaper's website, if authorized,~~ on ...(date)....

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Sworn to and subscribed before me this .... day of ...., ...(year)..., by ...., who is personally known to me or who has produced (type of identification) as identification.

...(Signature of Notary Public)...

...(Print, Type, or Stamp Commissioned Name of Notary Public)...

...(Notary Public)...

Section 7. Subsection (5) of section 50.061, Florida Statutes, is amended to read:

50.061 Amounts chargeable.—

(5) If the public notice is published in the print edition of a newspaper, the publishing ~~posting~~ of the notice on the newspaper's website pursuant to s. 50.0211(2) ~~s. 50.0211(3)~~ must be done at no additional charge.

Section 8. Section 50.0711, Florida Statutes, is amended to read:

50.0711 Court docket fund; service charges; publications.—

(1) The clerk of the court in each county may establish a court docket fund for the purpose of paying the cost of publication of the fact of the filing of any civil case in the circuit court of the county by the style and of the calendar relating to such cases. This court docket fund shall be funded by $1 mandatory court cost for all civil actions, suits, or proceedings filed in the circuit court of the county. The clerk shall maintain such funds separate and apart, and the proceeds from this court cost shall not be diverted to any other fund or for any purpose other than that established in this section. The clerk of the court shall dispense the fund to the designated publicly accessible website publisher or record newspaper in the county on a quarterly basis.

(2) If a judicial circuit publishes legal notices in a

newspaper, a newspaper qualified under the terms of s. 50.011 shall be designated as the record newspaper for such publication by an order of the majority of the judges in the judicial circuit in which such county is located, and such order shall be filed and recorded with the clerk of the circuit court for such county. The designated record newspaper may be changed at the end of any fiscal year of the county by a majority vote of the judges of the judicial circuit of the county ordering such change 30 days prior to the end of the fiscal year, notice of which order shall be given to the previously designated record newspaper.

(3) The publicly accessible website publisher or publishers of any designated record newspapers receiving payment from this court docket fund shall publish, without additional charge, the fact of the filing of any civil case, suit, or action filed in such county in the circuit. Such publication shall be in accordance with a schedule agreed upon between the website publisher or record newspaper and the clerk of the court in such county.

(4) The publicly accessible website publisher or publishers of any designated record newspapers receiving revenues from the court docket fund established in subsection (1) shall, without charge, accept legal advertisements for the purpose of service of process by publication under s. 49.011(4), (10), and (11) when such publication is required of persons

authorized to proceed as indigent persons under s. 57.081.

Section 9. Section 11.02, Florida Statutes, is amended to read:

11.02 Notice of special or local legislation or certain relief acts.—The notice required to obtain special or local legislation or any relief act specified in s. 11.065 shall be by publishing the identical notice as provided in chapter 50 or circulated throughout the county or counties where the matter or thing to be affected by such legislation shall be situated one time at least 30 days before introduction of the proposed law into the Legislature or, if the notice is not published on a publicly accessible website as provided in s. 50.0311 ~~made by Internet publication as provided in s. 50.0211(5)~~ and there is ~~being~~ no newspaper circulated throughout or published in the county, by posting for at least 30 days at not fewer ~~less~~ than three public places in the county or each of the counties, one of which places shall be at the courthouse in the county or counties where the matter or thing to be affected by such legislation shall be situated. Notice of special or local legislation shall state the substance of the contemplated law, as required by s. 10, Art. III of the State Constitution. Notice of any relief act specified in s. 11.065 shall state the name of the claimant, the nature of the injury or loss for which the claim is made, and the amount of the claim against the affected municipality's revenue-sharing trust fund.

Section 10. Subsection (2) of section 45.031, Florida Statutes, is amended to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the procedures provided in this section and ss. 45.0315-45.035 may be followed as an alternative to any other sale procedure if so ordered by the court.

(2) PUBLICATION OF SALE.—Notice of sale shall be published on a publicly accessible website as provided in s. 50.0311 for at least 2 consecutive weeks before the sale or once a week for 2 consecutive weeks in a newspaper of general circulation, as provided ~~defined~~ in chapter 50, published in the county where the sale is to be held. The second publication by newspaper shall be at least 5 days before the sale. The notice shall contain:

(a) A description of the property to be sold.

(b) The time and place of sale.

(c) A statement that the sale will be made pursuant to the order or final judgment.

(d) The caption of the action.

(e) The name of the clerk making the sale.

(f) A statement that any person claiming an interest in the surplus from the sale, if any, other than the property owner as of the date of the lis pendens must file a claim before the clerk reports the surplus as unclaimed.

The court, in its discretion, may enlarge the time of the sale. Notice of the changed time of sale shall be published as provided herein.

Section 11. Subsection (12) of section 90.902, Florida Statutes, is amended to read:

90.902 Self-authentication.—Extrinsic evidence of authenticity as a condition precedent to admissibility is not required for:

(12) A legal notice published in accordance with the requirements of chapter 50 in the print edition of a qualified newspaper or on a publicly accessible website as provided in s. 50.0311 ~~the website of a qualified newspaper~~.

Section 12. Paragraph (d) of subsection (1) of section 120.81, Florida Statutes, is amended to read:

120.81 Exceptions and special requirements; general areas.—

(1) EDUCATIONAL UNITS.—

(d) Notwithstanding any other provision of this chapter, educational units shall not be required to include the full text of the rule or rule amendment in notices relating to rules and need not publish these or other notices in the Florida Administrative Register, but notice shall be made:

1. By publication in a newspaper qualified under chapter 50 in the affected area or on a publicly accessible website as

provided in s. 50.0311;

2. By mail to all persons who have made requests of the educational unit for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and

3. By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

Section 13. Paragraph (b) of subsection (1) of section 121.055, Florida Statutes, is amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class is compulsory for the president of each community college, the manager of each participating municipality or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class if:

a. Positions to be included in the class are designated by the local agency employer. Notice of intent to designate positions for inclusion in the class must be published for at

least 2 consecutive weeks if published on a publicly accessible website as provided in s. 50.0311 ~~by Internet publication as provided in s. 50.0211(5)~~ or, if published in print, once a week for 2 consecutive weeks in a newspaper qualified under chapter 50 that is published in the county or counties affected.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the department; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class, pursuant to subparagraph 1., may withdraw from the Florida Retirement System altogether. The decision to withdraw from the system is irrevocable as long as the employee holds the position. Any service creditable under the Senior Management

Service Class shall be retained after the member withdraws from the system; however, additional service credit in the Senior Management Service Class may not be earned after such withdrawal. Such members are not eligible to participate in the Senior Management Service Optional Annuity Program.

3. Effective January 1, 2006, through June 30, 2006, an employee who has withdrawn from the Florida Retirement System under subparagraph 2. has one opportunity to elect to participate in the pension plan or the investment plan.

a. If the employee elects to participate in the investment plan, membership shall be prospective, and the applicable provisions of s. 121.4501(4) govern the election.

b. If the employee elects to participate in the pension plan, the employee shall, upon payment to the system trust fund of the amount calculated under sub-sub-subparagraph (I), receive service credit for prior service based upon the time during which the employee had withdrawn from the system.

(I) The cost for such credit shall be an amount representing the actuarial accrued liability for the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the pension plan liabilities in the most recent actuarial valuation. The calculation must include any service already maintained under the pension plan in addition to the period of withdrawal. The actuarial accrued liability

attributable to any service already maintained under the pension plan shall be applied as a credit to the total cost resulting from the calculation. The division must ensure that the transfer sum is prepared using a formula and methodology certified by an actuary.

(II) The employee must transfer a sum representing the net cost owed for the actuarial accrued liability in sub-sub-subparagraph (I) immediately following the time of such movement, determined assuming that attained service equals the sum of service in the pension plan and the period of withdrawal.

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the capital collateral regional counsel, the clerks of the district courts of appeals, the marshals of the district courts of appeals, and the trial court administrator and the Chief Deputy Court Administrator in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be

designated by the state attorney or public defender, as appropriate. Notice of intent to designate positions for inclusion in the class shall be published for at least 2 consecutive weeks on a publicly accessible website as provided in s. 50.0311 ~~by Internet publication as provided in s. 50.0211(5)~~ or, if published in print, once a week for 2 consecutive weeks in a newspaper qualified under chapter 50 in the county or counties affected.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who

holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsel. Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, assistant attorneys general, and assistant capital collateral regional counsel, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

Section 14. Paragraph (a) of subsection (2) of section 162.12, Florida Statutes, is amended to read:

162.12 Notices.—

(2) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board or the local government, notice may be served by publication or posting, as follows:

(a)1. Such notice shall be published in print in a newspaper or on a publicly accessible website as provided in s.

50.0311 ~~newspaper's website and the statewide legal notice website as provided in s. 50.0211(5)~~ for 4 consecutive weeks. If published in print, the notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

Section 15. Subsection (1) of section 189.015, Florida Statutes, is amended to read:

189.015 Meetings; notice; required reports.—

(1) The governing body of each special district shall file quarterly, semiannually, or annually a schedule of its regular meetings with the local governing authority or authorities. The schedule shall include the date, time, and location of each scheduled meeting. The schedule shall be published quarterly, semiannually, or annually in the manner required in this subsection. The governing body of an independent special district shall advertise the day, time, place, and purpose of any meeting other than a regular meeting or any recessed and reconvened meeting of the governing body, at least 7 days before such meeting as provided in chapter 50 in the county or counties in which the special district is located, unless a bona fide

emergency situation exists, in which case a meeting to deal with the emergency may be held as necessary, with reasonable notice, so long as it is subsequently ratified by the governing body. No approval of the annual budget shall be granted at an emergency meeting. The notice shall be posted as provided in chapter 50. Any other provision of law to the contrary notwithstanding, and except in the case of emergency meetings, water management districts may provide reasonable notice of public meetings held to evaluate responses to solicitations issued by the water management district, as provided in chapter 50 by publication on a publicly accessible website ~~Internet publication~~ or by publication in a newspaper in the county where the principal office of the water management district is located, or in the county or counties where the public work will be performed, no fewer ~~less~~ than 7 days before such meeting.

Section 16. Paragraph (d) of subsection (1) of section 190.005, Florida Statutes, is amended to read:

190.005 Establishment of district.—

(1) The exclusive and uniform method for the establishment of a community development district with a size of 2,500 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(d) A local public hearing on the petition shall be

776 conducted by a hearing officer in conformance with the
777 applicable requirements and procedures of the Administrative
778 Procedure Act. The hearing shall include oral and written
779 comments on the petition pertinent to the factors specified in
780 paragraph (e). The hearing shall be held at an accessible
781 location in the county in which the community development
782 district is to be located. The petitioner shall cause a notice
783 of the hearing to be published for 4 successive weeks on a
784 publicly accessible website as provided in s. 50.0311
785 ~~newspaper's website and the statewide legal notice website~~
786 ~~provided in s. 50.0211(5)~~ or, if published in print, in a
787 newspaper at least once a week for the 4 successive weeks
788 immediately prior to the hearing as provided in chapter 50. Such
789 notice shall give the time and place for the hearing, a
790 description of the area to be included in the district, which
791 description shall include a map showing clearly the area to be
792 covered by the district, and any other relevant information
793 which the establishing governing bodies may require. If
794 published in the print edition of a newspaper, the advertisement
795 may not be placed in the portion of the newspaper where legal
796 notices and classified advertisements appear. The advertisement
797 must be published in a newspaper in the county and of general
798 interest and readership in the community pursuant to chapter 50.
799 Whenever possible, the advertisement shall appear in a newspaper
800 that is published at least weekly, unless the only newspaper in

the community is published less than weekly. If the notice is published in the print edition of the newspaper, the map must also be included in any online advertisement pursuant to s. 50.0211. All affected units of general-purpose local government and the general public shall be given an opportunity to appear at the hearing and present oral or written comments on the petition.

Section 17. Paragraph (h) of subsection (3) of section 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(3) The advertisement shall be published as provided in chapter 50. If the advertisement is published in the print edition of a newspaper, the advertisement must be no less than one-quarter page in size of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper in the county or in a geographically limited insert of such newspaper. The geographic boundaries in which such insert is circulated shall include the geographic boundaries of the taxing authority. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least weekly unless the only newspaper in the county is published less than weekly, or that the

advertisement appear in a geographically limited insert of such newspaper which insert is published throughout the taxing authority's jurisdiction at least twice each week. It is further the legislative intent that the newspaper selected be one of general interest and readership in the community pursuant to chapter 50.

(h) In no event shall any taxing authority add to or delete from the language of the advertisements as specified herein unless expressly authorized by law, except that, if an increase in ad valorem tax rates will affect only a portion of the jurisdiction of a taxing authority, advertisements may include a map or geographical description of the area to be affected and the proposed use of the tax revenues under consideration. In addition, if published in the print edition of the newspaper ~~or only published on the Internet in accordance with s. 50.0211(5)~~, the map must be included in the online advertisement required by s. 50.0211. The advertisements required herein shall not be accompanied, preceded, or followed by other advertising or notices which conflict with or modify the substantive content prescribed herein.

Section 18. Subsection (3) of section 348.0308, Florida Statutes, is amended to read:

348.0308 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling

within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(3) The agency may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and, as provided in chapter 50, on a publicly accessible website ~~by Internet publication~~ or by print in a newspaper qualified to publish legal notices in the county in which the project is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the agency shall rank the proposals in order of preference. In ranking the proposals, the agency shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the agency is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the agency may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal

is received, the agency may negotiate in good faith, and if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. The agency may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

Section 19. Subsection (3) of section 348.635, Florida Statutes, is amended to read:

348.635 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(3) The authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and, as provided in chapter 50, on a publicly accessible website ~~by either Internet publication~~ or by print in a newspaper in the county in which the project is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has

expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the authority may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the authority may negotiate in good faith, and if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. The authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

Section 20. Subsection (3) of section 348.7605, Florida Statutes, is amended to read:

348.7605 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(3) The authority may request proposals for public-private

transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and, as provided in chapter 50, on a publicly accessible website ~~by either Internet publication~~ or by print in a newspaper in the county in which the project is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the authority may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the authority may negotiate in good faith, and if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. The authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

Section 21. Subsection (5) of section 849.38, Florida Statutes, is amended to read:

849.38 Proceedings for forfeiture; notice of seizure and order to show cause.—

(5) If the value of the property seized is shown by the sheriff's return to have an appraised value of $1,000 or less, the above citation shall be served by posting at three public places in the county, one of which shall be the front door of the courthouse; if the value of the property is shown by the sheriff's return to have an approximate value of more than $1,000, the citation shall be published by print or posted for at least 2 consecutive weeks on a publicly accessible website as provided in s. 50.0311 ~~newspaper's website and the statewide legal notice website in accordance with s. 50.0211(5)~~. If published in print, the citation shall appear at least once each week for 2 consecutive weeks in a newspaper qualified to publish legal notices under chapter 50 that is published in the county, if there is such a newspaper published in the county. If there is no such newspaper, the notice of such publication shall be made by certificate of the clerk if publication is made by posting, and by affidavit as provided in chapter 50, if made by publication as provided in chapter 50, which affidavit or certificate shall be filed and become a part of the record in the cause. Failure of the record to show proof of such publication shall not affect any judgment made in the cause

unless it shall affirmatively appear that no such publication was made.

Section 22. Paragraph (a) of subsection (6) of section 932.704, Florida Statutes, is amended to read:

932.704 Forfeiture proceedings.—

(6)(a) If the property is required by law to be titled or registered, or if the owner of the property is known in fact to the seizing agency, or if the seized property is subject to a perfected security interest in accordance with the Uniform Commercial Code, chapter 679, the attorney for the seizing agency shall serve the forfeiture complaint as an original service of process under the Florida Rules of Civil Procedure and other applicable law to each person having an ownership or security interest in the property. The seizing agency shall also publish, in accordance with chapter 50, notice of the forfeiture complaint for 2 consecutive weeks on a publicly accessible website ~~newspaper's website and the statewide legal notice website in accordance with s. 50.0211(5)~~ or, if published in print, once each week for 2 consecutive weeks in a newspaper qualified to publish legal notices under chapter 50 in the county where the seizure occurred.

Section 23. This act shall take effect January 1, 2023.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.