

# HB 7049

## Publication of Legal Notices



# Discussion Items

- Florida Statutes related to electronic public notices
- Estimated Costs
- Options
- Recommendation

# HB 7049

- FS 50.0311 Publications of Advertisements and Public Notices on a Publicly Accessible Website and Governmental Access Channels
- FS 50.041 Proof of Publications; Uniform Affidavits Required

# FS 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.

# FS 50.0311 Publication of Advertisements and Public Notices on a Publicly Accessible Website and Governmental Access Channels

- (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.

# FS 50.041 Proof of Publication; Uniform Affidavits Required

- (1) All affidavits made for the purpose of establishing proof of publication of public notices or legal advertisements shall be uniform throughout the state.
- (2) Each such affidavit shall be printed upon white paper and shall be 8 1/2 inches in width and of convenient length, not less than 5 1/2 inches. A white margin of not less than 2 1/2 inches shall be left at the right side of each affidavit form and upon or in this space shall be substantially pasted a clipping which shall be a true copy of the public notice or legal advertisement for which proof is executed. **Alternatively, the affidavit may be provided in electronic rather than paper form, provided the notarization of the affidavit complies with the requirements of s. 117.021.**
- (3) There may be a charge not to exceed \$2 levied for the preparation and execution of each such proof of publication or affidavit.

# Estimated 2022 Costs – Advertisements

• Seminole County Departments	\$51,600
• Seminole County Tax Collector (Delinquent Taxes)	\$33,000
• Seminole County School Board	\$20,000
• *City of Altamonte Springs	\$23,500
• City of Casselberry	\$12,050 (\$19,883.*.3)
• *City of Lake Mary	\$ 7,000
• City of Longwood	\$18,200
• City of Oviedo	\$30,300
• City of Sanford	\$15,500
• City of Winter Springs	\$ 7,700

\*Cities will continue to handle public notices inhouse

# Estimated Staff Time/Costs

Staff Time includes the following:

- Staff to create the public notice advertisement (Development Services and County Attorney's Office)
- Staff required to coordinate with print advertisement agency or coordinate with internal staff to place an electronic public notice advertisement
- Additional cost to include staff time to place the electronic public notices on the County website, send notices to registered parties (electronic or mailed), and ongoing maintenance of the webpage
- Additional time to create the proof of publication



# Unknown Costs

- Staff time to email or print public notices to registered residents
- Cost mail printed notice via first-class mail
- Cost to maintain the database of email and address

# Current Counties Using Electronic Public Notices

- **Manatee County**
  - Currently advertising for the County only
  - Has registration to receive public hearing notices (electronic or first-class mail)
  - Access to public hearing notices from the homepage
- **Sarasota County**
  - Currently advertising for the County only
  - Has registration to receive public hearing notices (electronic only and by category (zoning appeals, budget, land use, planning commission, procurement, public notices))
  - Access to public hearing notices from the homepage
- **Brevard County**
  - Currently advertising for the County only
  - No registration access
  - Access to legal ads and public notice from the homepage

# Options

1. Continue advertising using print ads and wait for a year to see if changes are made to the FS requirements related to electronic ads
2. Develop a web page for the Seminole County electronic ads
  - A. Seminole County is responsible for placing the cities and school board ads
    - I. Enter into an agreement with each entity – County has potential liability
  - B. Work with Information Services to provide a secure avenue for cities and school board to post their own electronic ads on the County website
    - I. Enter into an agreement with each entity – less liability
3. Work with a vendor to create a solution that provides a website and maintains a database of residents that request electronic or mailed notices

# Staff Recommendation

- Continue advertising using print ads and wait for a year to see if legislative changes are made to the FS requirements related to electronic ads