



Approved in Open Session 12/14/21
Manatee County
Board of County Commissioners

Board of County Commissioners December 14, 2021 - Regular Meeting

SUBJECT

ELECTRONIC LEGAL NOTICES

Category

CONSENT AGENDA

Briefings

All

Contact and/or Presenter Information

William Clague, County Attorney

Action Requested

I move to amend and restate the Board's July 27, 2021, motion regarding legal notices, to direct the County Attorney and the County Administrator to prepare, schedule and advertise the items necessary to allow for the use of internet-only legal notices to the extent authorized by law after January 1, 2022.

Enabling/Regulating Authority

Chapter 50, Florida Statutes; Florida Statute 125.66

Background Discussion

In 2021, the Florida Legislature enacted Chapter 2021-17, Laws of Florida (the "Act"), which was approved by the Governor on May 7, 2021. This law revised the requirements for many legal notices in Florida. It will take effect on January 1, 2022.

At its regular meeting of July 27, 2021, the BOARD adopted a motion directing that all paid legal notices by the County should be published only on the YourObserver website until further notice, to the extent permitted by the applicable codes.

The County Attorney's Office (CAO) reviewed the Act and provided the BOARD with a Memorandum of Law outlining the process required to convert the County's legal notices to electronic notices pursuant to the Act. For the reasons stated in the Memorandum, the CAO recommends revising the BOARD's July motion as set forth in this agenda item. The CAO will

work with staff to bring forward the items necessary to implement the change to electronic notices after January 1, 2022.

Attorney Review

Other (Requires explanation in field below)

Other (if applicable)

CAO Item

Reviewing Attorney

N/A

Instructions to Board Records

N/A

Distributed 12/17/21, RT

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A



OFFICE OF THE COUNTY ATTORNEY

WILLIAM E. CLAGUE, County Attorney
Sarah A. Schenk, Chief Assistant County Attorney*
Christopher M. De Carlo, Chief Litigator
Pamela J. D'Agostino, Assistant County Attorney
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Douglas E. Polk, Assistant County Attorney
Sarah E. Warren, Assistant County Attorney*
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Whitni M. Hodges, Assistant County Attorney

MEMORANDUM

DATE: September 9, 2021

TO: Board of County Commissioners

THROUGH: William E. Clague, County Attorney *Approved by W. Clague 9-9-2021*

FROM: Pamela J. D'Agostino, Assistant County Attorney *Approved by P. D'Agostino 9-9-2021*

RE: **Legal Notices and Chapter 2021-17, Laws of Florida; CAO Matter No. 2021-0354**

Issue Presented:

What steps are required under Florida law to allow the County to publish all legal notices on the internet pursuant to Chapter 2021-17, Laws of Florida (the "Act")?

Brief Answer:

Once the Act takes effect, the County may transition to internet-only publication of certain legal notices by taking the steps outlined in this memorandum.

Factual Background:

The following facts are relevant to the legal advice, conclusions, and recommendations set forth in this memorandum:

* Board Certified in City, County & Local Government Law

1. In 2021, the Florida Legislature enacted the Act, which was approved by the Governor on May 7, 2021. This law revised the requirements for many legal notices in Florida. It will take effect on January 1, 2022.¹
2. At its regular meeting of July 27, 2021, the Board of County Commissioners (Board) adopted a motion directing that all paid legal notices by the County should be published only on the YourObserver website until further notice, to the extent permitted by the applicable codes.

Discussion:

For many years, Florida law has required the County to publish legal notices² in print newspapers of general circulation in the County. Recognizing that the public no longer relies on print media to the extent that it once did, the Florida Legislature enacted the Act during its 2021 Legislative Session to provide courts, state agencies and local governments with the option to switch to online digital media to publish certain legal notices. This prompted the Board's motion directing staff to take advantage of this new option.

1. Florida Law Regarding Legal Notices (until December 31, 2021)

Most legal notices published by the County are governed by one of two separate provisions of Florida Statutes: (1) Section 125.66, Florida Statutes, governing notices of public hearings for rezoning or change of land use, or (2) Chapter 50, Florida Statutes, governing legal and official advertisements. There are, however, many other statutory requirements for legal notices that apply to specific County decisions or proceedings, which require publication of printed notices, that are unaffected by the Act and therefore beyond the scope of this Memorandum.³ Today, neither Section 125.66, Florida Statutes,

¹ A copy of the full text of the Act is attached to this memorandum. The origin of this legislation was Senate Bill 402.

² For the purposes of this memorandum any references to legal advertisements, legal notices, official advertisements, or official notices include the following: official or legal advertisements or publications or notices, whether required or permitted, whether in the nature of or in lieu of process of any kind, whether for constructive service, or whether to initiate, assume, review, exercise or enforce jurisdiction or power, or whether to publish or notice any affairs of the County.

³ For example, (a) Section 163.3225(2)(a), Florida Statutes, requires publication of notices of public hearings for local development agreements; (b) Section 197.3632, Florida Statutes, requires publication of notices of public hearings for special assessment resolutions; and (c) Section 336.10, Florida Statutes,

nor Chapter 50, Florida Statutes, allow for internet-only publication of legal notices.

Today, the County's codes contain notice requirements that follow the current versions of Section 125.66, Florida Statutes, and Chapter 50, Florida Statutes. Section 312.7.C of the County's Land Development Code requires publication of public hearing notices in a newspaper of general circulation in the County. Section 2-6-39 of the County's Code of Ordinances requires publication of notices of construction trades board proceedings in a newspaper of general circulation in the County. Neither code section specifically authorizes or makes reference to internet publication.

2. Florida Law Regarding Legal Notices (starting January 1, 2022)

The Act amends Section 125.66, Florida Statutes, and Chapter 50, Florida Statutes, (and other statutes regarding legal notices) to allow internet-only notices for the hearings or proceedings that are governed by those statutes. The Act, however, does not take effect until January 1, 2022. Until that time, the County must continue to follow the current versions of Section 125.66, Florida Statutes, and Chapter 50, Florida Statutes, and continue to publish notices in printed newspapers of general circulation in the County.

The Act also sets forth the following new criteria which must be met before the County can convert to internet-only publishing of legal notices in newspapers:

A. Requirements regarding the newspaper.

- No more than 75 percent of a newspaper's content may be advertising.
- The newspaper must continually and prominently publish certain information in specified sections of its print edition and website regarding, among other things, its approved print auditor, its most recent statement of ownership, and certifying the veracity of its print distribution and website visitors.
- The newspaper must either (i) have an audience of at least 10 percent of households within the county and must be sold or otherwise available to the public at no less than 10 publicly accessible outlets; (ii) as of March 1, 2021, have held a periodicals permit and accepted legal notices for publication, to be able to continue to publish legal notices until January 1, 2024, provided

requires the same for notices of public hearings to vacate rights-of-way. Section 177.101(4), Florida Statutes, requires persons applying to vacate plats to publish notices in printed newspapers.

the newspaper continues to meet the requirements of Section 21, Chapter 99-2, Laws of Florida (also known as the version of Section 50.011, Florida Statutes, in effect today);⁴ or (iii) satisfy certain criteria to publish in a “fiscally constrained county.”⁵

B. Requirements regarding the County.

- Publish legal notice of a public hearing in a print edition of a newspaper in accordance with Chapter 50, Florida Statutes, of its intent to consider same.
- At the conclusion of the public hearing, the majority of the Board must find that:
 - o Internet publication of notices by the County is in the public interest; and
 - o The residents within the jurisdiction have sufficient access to the internet by broadband service as defined in Section 364.02, Florida Statutes, or through other means such that internet-only publication of county notices would not unreasonably restrict public access.
- Publish notice at least once per week in the print edition of a newspaper of general circulation within the county which states that:
 - o Legal notices pertaining to the county do not all appear in the print edition of the local newspaper.
 - o Additional legal notices may be accessed on the newspaper’s website.
 - o A full listing of any legal notices may be accessed on the statewide legal notice website at www.floridapublicnotices.com.

⁴ Starting January 1, 2024, newspapers within this category must instead have an audience of at least 10 percent of households within the county and must be sold or otherwise available to the public at no less than 10 publicly accessible outlets.

⁵ A fiscally constrained county is a county within a rural area of opportunity designated by the Governor pursuant to Section 288.0656, Florida Statutes, or a county for which the value of a mill will raise no more than five millions dollars in revenue, based on the certified taxable value certified pursuant to Section 1011.62(4)(a)1.a., Florida Statutes, from the previous July 1.

- Post a link on its website homepage to a webpage that lists all of the newspapers in which the county publishes legal notices.

The CAO recommends that the Board adopt a resolution formalizing the above requirements once the Act takes effect. Additionally, to allow the use of internet-only notices the County must also amend the relevant provisions of the Comprehensive Plan and its codes (cited above) by the adoption of ordinances.

Despite specifically creating an internet-only publication option, the Act specifies that if any statute requires publication of an official legal notice in the print edition of a newspaper, publication by internet-only publication will not constitute valid legal notice. Therefore, those statutory provisions that have not been amended by the Act to allow for internet-only notices will require the County to continue to publish notices in printed newspapers of general circulation.

3. County's Options Regarding Media Outlets

For some time, the County has routinely used the Bradenton Herald to publish legal advertisements. Based on my research into YourObserver, that website is part of the Observer Media Group. The website serves as the single online component for four free weekly newspapers: the Longboat Observer, the East County Observer, the Sarasota Observer and the Siesta Key Observer. Today, that website does not appear to accept legal notices for publication. However, Observer Media Group does have a sister publication called the Business Observer, which is published weekly and accepts legal notices for publication. We understand that this publication is presently working to qualify as an outlet for internet-only notices in compliance with the Act. As yet, it is not clear whether it, or any other publication in the County, will qualify.

Conclusion:

While Florida law on January 1, 2022, will allow for legal advertisements of the County to be advertised only on the internet, the County will be required to follow the procedures outlined in this memorandum.

Recommendation:

In light of the above, the CAO recommends that the Board amend and restate its motion as follows:

I move to amend and restate the Board's July 27, 2021, motion regarding legal notices to direct the County Attorney and the County Administrator to prepare, schedule and advertise the items necessary to allow for the use of internet-only legal notices to the extent authorized by law after January 1, 2022.

We will place this on the agenda of a forthcoming Board meeting as a CAO item.

I express no opinion as to the business judgment or policy decision to opt to publish legal notices only on the internet, but offer this advice only to ensure the Board and County Administration understands the procedural steps the County must follow to do so in compliance with Chapter 2021-17, Laws of Florida.

Copies to: Dr. Scott L. Hopes, D.B.A., M.P.H., County Administrator
Charlie Bishop, Deputy County Administrator
Jan Brewer, Deputy County Administrator and Chief Financial Officer
Robert Reinshuttle, Deputy County Administrator
John Barnott, Director, Building and Development Services
Sarah A. Schenk, Chief Assistant County Attorney

Attachment: Copy of Chapter 2021-17, Laws of Florida

CHAPTER 2021-17

Committee Substitute for House Bill No. 35

An act relating to legal notices; amending s. 50.011, F.S.; revising construction as to the satisfaction of publication requirements for legal notices; revising requirements for newspapers that are qualified to publish legal notices; defining the term “fiscally constrained county”; authorizing the Internet publication of specified governmental agency notices on newspaper websites in lieu of print publication if certain requirements are met; amending s. 50.021, F.S.; conforming provisions to changes made by the act; amending s. 50.0211, F.S.; defining terms; requiring the Florida Press Association to seek to ensure equitable access for minority populations to legal notices posted on the statewide legal notice website; requiring the association to publish and maintain certain reports on the statewide legal notice website; authorizing a governmental agency to choose between print publication or Internet-only publication of specified governmental agency notices with specified newspapers if certain conditions are met; specifying requirements for the placement, format, and accessibility of any such notices; requiring the newspaper to display a specified disclaimer regarding the posting of legal notices; authorizing a newspaper to charge for Internet-only publication of governmental agency notices, subject to specified limitations; specifying applicable penalties for unauthorized rebates, commissions, or refunds in connection with publication charges; requiring a governmental agency that publishes governmental agency notices by Internet-only publication to publish a specified notice in the print edition of a local newspaper and on their website; providing for construction; amending s. 50.031, F.S.; conforming provisions to changes made by the act; amending ss. 50.041 and 50.051, F.S.; revising provisions governing the uniform affidavit establishing proof of publication to conform to changes made by the act; amending s. 50.061, F.S.; conforming a cross-reference; amending s. 90.902, F.S.; providing for the self-authentication of legal notices under the Florida Evidence Code; amending ss. 11.02, 120.81, 121.0511, 121.055, 125.66, 162.12, 166.041, 189.015, 190.005, 190.046, 194.037, 197.402, 200.065, 338.223, 348.0308, 348.635, 348.7605, 373.0397, 373.146, 403.722, 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 ~~Where and in what language~~ legal notices ~~to be published.~~—Whenever by statute an official or legal advertisement or a publication, or notice in a newspaper 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, 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 that meets all of the following:

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

(b) Contains or oftener, containing at least 25 percent of its words in the English language.

(c) Satisfies one of the following criteria:

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.

2. 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 section 21 of 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, entered or qualified to be admitted and entered as periodicals matter at a post office in the county where published, for sale to the public generally, 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) 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 shall direct~~ advertisements to be made in a ~~any~~ county and there ~~is~~ be no newspaper published in the ~~said~~ county, the advertisement may be made by publication in any newspaper qualified under chapter 50 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 by posting three copies thereof in three different places in the said county, one of which shall be at the front door of the courthouse, and by publication in the nearest county in which a newspaper 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.

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

(3)(2) If a governmental agency publishes a legal notice in the print edition of a newspaper, each legal notice must be 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.

(4)(a)(~~3~~)(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. Posted for a period of at least 90 consecutive days after the first day of posting.

(c) The statewide website created under this subsection shall maintain a searchable archive of all legal notices posted on the publicly accessible website ~~on or after October 1, 2014~~, for 18 months after the first day of 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. that 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)(4) Newspapers that publish legal notices shall, upon request, provide e-mail notification of new legal notices when they are published ~~printed~~ in the newspaper or on ~~and added to~~ 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. 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 ~~1-year and shall have been entered as periodicals matter at a post office in the county where published, or in a newspaper which is a direct successor of a newspaper which has together have 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. 50.0211(5). Proof of such publication shall be made by uniform affidavit.

Section 5. Section 50.041, Florida Statutes, is amended to read:

50.041 Proof of publication; uniform affidavits required.—

(1) All affidavits ~~of publishers of newspapers (or their official representatives)~~ 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 8½ inches in width and of convenient length, not less than 5½ inches. A white margin of not less than 2½ 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) In all counties having a population in excess of 450,000 according to the latest official decennial census, in addition to the charges which are now or may hereafter be established by law for the publication of every official notice or legal advertisement, There may be a charge not to exceed \$2 levied for the preparation and execution of each such proof of publication or publisher’s affidavit.~~

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 NEWSPAPER

Published (Weekly or Daily)

(Town or City) — (County) — FLORIDA

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 in 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 newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes said is a newspaper published at, in said County, Florida, and that the said newspaper has heretofore been continuously published in said County, Florida, each and has been entered as periodicals matter at the post office in, in said County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation

any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

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 posting of the notice on the newspaper's website pursuant to s. 50.0211(3) ~~s. 50.0211(2)~~ must be done at no additional charge.

Section 8. Subsection (12) is added to section 90.902, Florida Statutes, 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 or on the website of a qualified newspaper.

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 ~~in each county involved in some newspaper~~ as provided defined in chapter 50 published in 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 made by Internet publication as provided in s. 50.0211(5) and there being no newspaper circulated throughout or published in the county, by posting for at least 30 days at not 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. 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 ~~of general circulation~~ in the affected area;

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 11. Subsection (2) of section 121.0511, Florida Statutes, is amended to read:

121.0511 Revocation of election and alternative plan.—The governing body of any municipality or independent special district that has elected to participate in the Florida Retirement System may revoke its election in accordance with the following procedure:

(2) At least 7 days, but not more than 15 days, before the hearing, notice of intent to revoke, specifying the time and place of the hearing, must be published as provided in chapter 50 in a newspaper of general circulation in the area affected, as provided by ss. 50.011-50.031. Proof of publication of the notice must be submitted to the Department of Management Services.

Section 12. Paragraphs (b) and (h) of subsection (1) of section 121.055, Florida Statutes, are 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 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 of general circulation published in the county or counties affected, as provided in chapter 50.

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 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 of general circulation published in the county or counties affected, as provided in chapter 50.

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 13. Paragraph (a) of subsection (2) and paragraph (b) of subsection (4) of section 125.66, Florida Statutes, are amended to read:

125.66 Ordinances; enactment procedure; emergency ordinances; rezoning or change of land use ordinances or resolutions.—

(2)(a) The regular enactment procedure shall be as follows: The board of county commissioners at any regular or special meeting may enact or amend any ordinance, except as provided in subsection (4), if notice of intent to consider such ordinance is given at least 10 days ~~before such~~ before such ~~prior to said~~ meeting by publication as provided in chapter 50 in a newspaper of general circulation in the county. A copy of such notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the board of county commissioners. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(4) Ordinances or resolutions, initiated by other than the county, that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to subsection (2). Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances or resolutions initiated by the county that change the

actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure:

(b) In cases in which the proposed ordinance or resolution changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the board of county commissioners shall provide for public notice and hearings as follows:

1. The board of county commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. At least one hearing shall be held after 5 p.m. on a weekday, unless the board of county commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

2. If published in the print edition of a newspaper, the required advertisements shall be no less than 2 columns wide by 10 inches long in 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 placed in a newspaper of ~~general paid circulation~~ in the county and of general interest and readership in the community pursuant to chapter 50, ~~not one of limited subject matter~~. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least weekly 5 days a week unless the only newspaper in the community is published less than weekly 5 days a week. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The ...(name of local governmental unit)... proposes to adopt the following by ordinance or resolution:...(title of ordinance or resolution)...

A public hearing on the ordinance or resolution will be held on ...(date and time)... at ...(meeting place)....

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area within the local government covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the general area. ~~If In addition to being published in the print edition of the newspaper~~, the map must be part of any the online notice made required pursuant to s. 50.0211.

3. In lieu of publishing the advertisements set out in this paragraph, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution.

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 or on a 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 of ~~general circulation~~ 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. Paragraph (c) of subsection (3) of section 166.041, Florida Statutes, is amended to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(3)

(c) Ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to paragraph (a). Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances initiated by the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure:

1. In cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land the municipality will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public

hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the governing body. The governing body shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

2. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall provide for public notice and hearings as follows:

a. The local governing body shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

b. If published in the print edition of a newspaper, the required advertisements shall be no less than 2 columns wide by 10 inches long in 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 placed in a newspaper ~~of general paid circulation~~ in the municipality and of general interest and readership in the municipality, ~~not one of limited subject matter~~, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least weekly 5 days a week unless the only newspaper in the municipality is published less than weekly 5 days a week. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The ...(name of local governmental unit)... proposes to adopt the following ordinance:...(title of the ordinance)....

A public hearing on the ordinance will be held on ...(date and time)... at ... (meeting place)....

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. ~~If In addition to being published~~

in the print edition of the newspaper, the map must also be part of any the online notice made required pursuant to s. 50.0211.

c. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of any public hearing on the proposed ordinance.

Section 16. 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 a newspaper of general paid circulation~~ 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 a newspaper of general paid circulation~~ 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~~ advertisement shall be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall appear in a newspaper that is published at least 5 days a week, ~~unless the only newspaper in the county is published fewer than 5 days a week. The newspaper selected must be one of general interest and readership in the community and not one of limited subject matter, pursuant to 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 Internet publication or by publication ~~by publication in a newspaper of general paid circulation~~ 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 less than 7 days before such meeting.

Section 17. 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 conducted by a hearing officer in conformance with the applicable requirements and procedures of the Administrative Procedure Act. The hearing shall include oral and written comments on the petition pertinent to the factors specified in paragraph (e). The hearing shall be held at an accessible location in the county in which the community development district is to be located. The petitioner shall cause a notice of the hearing to be published for 4 successive weeks on a newspaper's website and the statewide legal notice website provided in s. 50.0211(5) or, if published in print, in a newspaper at least once a week for the 4 successive weeks immediately prior to the hearing as provided in chapter 50. Such notice shall give the time and place for the hearing, a description of the area to be included in the district, which description shall include a map showing clearly the area to be covered by the district, and any other relevant information which the establishing governing bodies may require. If published in the print edition of a newspaper, the advertisement may shall not be placed in the that portion of the newspaper where legal notices and classified advertisements appear. The advertisement must shall be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least weekly 5 days a week, unless the only newspaper in the community is published less than weekly fewer than 5 days a week. If the notice is In addition to being published in the print edition of the newspaper, the map referenced above must also be included in any part of the online advertisement required 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 18. Paragraph (h) of subsection (1) of section 190.046, Florida Statutes, is amended to read:

190.046 Termination, contraction, or expansion of district.—

(1) A landowner or the board may petition to contract or expand the boundaries of a community development district in the following manner:

(h) For a petition to establish a new community development district of less than 2,500 acres on land located solely in one county or one municipality, sufficiently contiguous lands located within the county or municipality which the petitioner anticipates adding to the boundaries of the district within 10 years after the effective date of the ordinance establishing the district may also be identified. If such sufficiently contiguous land is identified, the petition must include a legal description of each additional

parcel within the sufficiently contiguous land, the current owner of the parcel, the acreage of the parcel, and the current land use designation of the parcel. At least 14 days before the hearing required under s. 190.005(2)(b), the petitioner must give the current owner of each such parcel notice of filing the petition to establish the district, the date and time of the public hearing on the petition, and the name and address of the petitioner. A parcel may not be included in the district without the written consent of the owner of the parcel.

1. After establishment of the district, a person may petition the county or municipality to amend the boundaries of the district to include a previously identified parcel that was a proposed addition to the district before its establishment. A filing fee may not be charged for this petition. Each such petition must include:

- a. A legal description by metes and bounds of the parcel to be added;
- b. A new legal description by metes and bounds of the district;
- c. Written consent of all owners of the parcel to be added;
- d. A map of the district including the parcel to be added;
- e. A description of the development proposed on the additional parcel;
and
- f. A copy of the original petition identifying the parcel to be added.

2. Before filing with the county or municipality, the person must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner.

3. Once the petition is determined sufficient and complete, the county or municipality must process the addition of the parcel to the district as an amendment to the ordinance that establishes the district. The county or municipality may process all petitions to amend the ordinance for parcels identified in the original petition, even if, by adding such parcels, the district exceeds 2,500 acres.

4. The petitioner shall cause to be published in a newspaper qualified to publish legal notices of general circulation in the proposed district a notice of the intent to amend the ordinance that establishes the district. The notice must be in addition to any notice required for adoption of the ordinance amendment. Such notice must be published as provided in chapter 50 at least 10 days before the scheduled hearing on the ordinance amendment ~~and may be published in the section of the newspaper reserved for legal notices.~~ The notice must include a general description of the land to be added to the district and the date and time of the scheduled hearing to amend the ordinance. The petitioner shall deliver, including by mail or hand delivery, the notice of the hearing on the ordinance amendment to the owner of the parcel and to the district at least 14 days before the scheduled hearing.

5. The amendment of a district by the addition of a parcel pursuant to this paragraph does not alter the transition from landowner voting to qualified elector voting pursuant to s. 190.006, even if the total size of the district after the addition of the parcel exceeds 5,000 acres. Upon adoption of the ordinance expanding the district, the petitioner must cause to be recorded a notice of boundary amendment which reflects the new boundaries of the district.

6. This paragraph is intended to facilitate the orderly addition of lands to a district under certain circumstances and does not preclude the addition of lands to any district using the procedures in the other provisions of this section.

Section 19. Subsection (1) of section 194.037, Florida Statutes, is amended to read:

194.037 Disclosure of tax impact.—

(1) After hearing all petitions, complaints, appeals, and disputes, the clerk shall make public notice of the findings and results of the board as provided in chapter 50. If published in the print edition of a newspaper, the notice must be in at least a quarter-page size advertisement of a standard size or tabloid size newspaper, and the headline 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 ~~of general paid circulation~~ in the county. The newspaper selected shall be one of general interest and readership in the community, ~~and not one of limited subject matter,~~ pursuant to chapter 50. For all advertisements published pursuant to this section, the headline shall read: TAX IMPACT OF VALUE ADJUSTMENT BOARD. The public notice shall list the members of the value adjustment board and the taxing authorities to which they are elected. The form shall show, in columnar form, for each of the property classes listed under subsection (2), the following information, with appropriate column totals:

(a) In the first column, the number of parcels for which the board granted exemptions that had been denied or that had not been acted upon by the property appraiser.

(b) In the second column, the number of parcels for which petitions were filed concerning a property tax exemption.

(c) In the third column, the number of parcels for which the board considered the petition and reduced the assessment from that made by the property appraiser on the initial assessment roll.

(d) In the fourth column, the number of parcels for which petitions were filed but not considered by the board because such petitions were withdrawn or settled prior to the board's consideration.

(e) In the fifth column, the number of parcels for which petitions were filed requesting a change in assessed value, including requested changes in assessment classification.

(f) In the sixth column, the net change in taxable value from the assessor's initial roll which results from board decisions.

(g) In the seventh column, the net shift in taxes to parcels not granted relief by the board. The shift shall be computed as the amount shown in column 6 multiplied by the applicable millage rates adopted by the taxing authorities in hearings held pursuant to s. 200.065(2)(d) or adopted by vote of the electors pursuant to s. 9(b) or s. 12, Art. VII of the State Constitution, but without adjustment as authorized pursuant to s. 200.065(6). If for any taxing authority the hearing has not been completed at the time the notice required herein is prepared, the millage rate used shall be that adopted in the hearing held pursuant to s. 200.065(2)(c).

Section 20. Subsection (1) of section 197.402, Florida Statutes, is amended to read:

197.402 Advertisement of real or personal property with delinquent taxes.—

(1) If advertisements are required, the board of county commissioners shall make such notice ~~select the newspaper~~ as provided in chapter 50. The tax collector shall pay all newspaper charges, and the proportionate cost of the advertisements shall be added to the delinquent taxes collected.

Section 21. 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 of ~~general paid circulation~~ 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 5 days a week ~~weekly 5 days a week~~ unless the only newspaper in the county is published less than weekly 5 days a week, 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 and ~~not one of limited subject matter~~, pursuant to chapter 50.

(a) For taxing authorities other than school districts which have tentatively adopted a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1), the advertisement shall be in the following form:

NOTICE OF PROPOSED TAX INCREASE

The ...(name of the taxing authority)... has tentatively adopted a measure to increase its property tax levy.

Last year’s property tax levy:

- A. Initially proposed tax levy.....\$XX,XXX,XXX
- B. Less tax reductions due to Value Adjustment Board and other assessment changes..... (\$XX,XXX,XXX)
- C. Actual property tax levy.....\$XX,XXX,XXX

This year’s proposed tax levy.....\$XX,XXX,XXX

All concerned citizens are invited to attend a public hearing on the tax increase to be held on ...(date and time)... at ...(meeting place)...

A FINAL DECISION on the proposed tax increase and the budget will be made at this hearing.

(b) In all instances in which the provisions of paragraph (a) are inapplicable for taxing authorities other than school districts, the advertisement shall be in the following form:

NOTICE OF BUDGET HEARING

The ...(name of taxing authority)... has tentatively adopted a budget for ... (fiscal year).... A public hearing to make a FINAL DECISION on the budget AND TAXES will be held on ...(date and time)... at ...(meeting place)....

(c) For school districts which have proposed a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy nonvoted millage in excess of the minimum amount required pursuant to s. 1011.60(6), the advertisement shall be in the following form:

NOTICE OF PROPOSED TAX INCREASE

The ...(name of school district)... will soon consider a measure to increase its property tax levy.

Last year’s property tax levy:

A. Initially proposed tax levy.....\$XX,XXX,XXX

B. Less tax reductions due to Value Adjustment Board and other assessment changes..... (\$XX,XXX,XXX)

C. Actual property tax levy.....\$XX,XXX,XXX

This year’s proposed tax levy.....\$XX,XXX,XXX

A portion of the tax levy is required under state law in order for the school board to receive \$...(amount A)... in state education grants. The required portion has ...(increased or decreased)... by ...(amount B)... percent and represents approximately ...(amount C)... of the total proposed taxes.

The remainder of the taxes is proposed solely at the discretion of the school board.

All concerned citizens are invited to a public hearing on the tax increase to be held on ...(date and time)... at ...(meeting place)...

A DECISION on the proposed tax increase and the budget will be made at this hearing.

1. AMOUNT A shall be an estimate, provided by the Department of Education, of the amount to be received in the current fiscal year by the district from state appropriations for the Florida Education Finance Program.

2. AMOUNT B shall be the percent increase over the rolled-back rate necessary to levy only the required local effort in the current fiscal year, computed as though in the preceding fiscal year only the required local effort was levied.

3. AMOUNT C shall be the quotient of required local-effort millage divided by the total proposed nonvoted millage, rounded to the nearest tenth and stated in words; however, the stated amount shall not exceed nine-tenths.

(d) For school districts which have proposed a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy as nonvoted millage only the minimum amount required pursuant to s. 1011.60(6), the advertisement shall be the same as

provided in paragraph (c), except that the second and third paragraphs shall be replaced with the following paragraph:

This increase is required under state law in order for the school board to receive \$...(amount A)... in state education grants.

(e) In all instances in which the provisions of paragraphs (c) and (d) are inapplicable for school districts, the advertisement shall be in the following form:

NOTICE OF BUDGET HEARING

The ...(name of school district)... will soon consider a budget for ...(fiscal year).... A public hearing to make a DECISION on the budget AND TAXES will be held on ...(date and time)... at ...(meeting place)....

(f) In lieu of publishing the notice set out in this subsection, the taxing authority may mail a copy of the notice to each elector residing within the jurisdiction of the taxing authority.

(g) In the event that the mailing of the notice of proposed property taxes is delayed beyond September 3 in a county, any multicounty taxing authority which levies ad valorem taxes within that county shall advertise its intention to adopt a tentative budget and millage rate in a newspaper of ~~paid general circulation~~ within that county which meets the requirements of chapter 50, as provided in this subsection, and shall hold the hearing required pursuant to paragraph (2)(c) not less than 2 days or more than 5 days thereafter, and not later than September 18. The advertisement shall be in the following form, unless the proposed millage rate is less than or equal to the rolled-back rate, computed pursuant to subsection (1), in which case the advertisement shall be as provided in paragraph (e):

NOTICE OF TAX INCREASE

The ...(name of the taxing authority)... proposes to increase its property tax levy by ...(percentage of increase over rolled-back rate)... percent.

All concerned citizens are invited to attend a public hearing on the proposed tax increase to be held on ...(date and time)... at ...(meeting place)

(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 part of 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.

(i) The advertisements required pursuant to paragraphs (b) and (e) need not be one-quarter page in size or have a headline in type no smaller than 18 point.

(j) The amounts to be published as percentages of increase over the rolled-back rate pursuant to this subsection shall be based on aggregate millage rates and shall exclude voted millage levies unless expressly provided otherwise in this subsection.

(k) Any taxing authority which will levy an ad valorem tax for an upcoming budget year but does not levy an ad valorem tax currently shall, in the advertisement specified in paragraph (a), paragraph (c), paragraph (d), or paragraph (g), replace the phrase “increase its property tax levy by ... (percentage of increase over rolled-back rate)... percent” with the phrase “impose a new property tax levy of \$...(amount)... per \$1,000 value.”

(l) Any advertisement required pursuant to this section shall be accompanied by an adjacent notice meeting the budget summary requirements of s. 129.03(3)(b). Except for those taxing authorities proposing to levy ad valorem taxes for the first time, the following statement shall appear in the budget summary in boldfaced type immediately following the heading, if the applicable percentage is greater than zero:

THE PROPOSED OPERATING BUDGET EXPENDITURES OF ...(name of taxing authority)... ARE ...(percent rounded to one decimal place)... MORE THAN LAST YEAR’S TOTAL OPERATING EXPENDITURES.

For purposes of this paragraph, “proposed operating budget expenditures” or “operating expenditures” means all moneys of the local government, including dependent special districts, that:

1. Were or could be expended during the applicable fiscal year, or
2. Were or could be retained as a balance for future spending in the fiscal year.

Provided, however, those moneys held in or used in trust, agency, or internal service funds, and expenditures of bond proceeds for capital outlay or for advanced refunded debt principal, shall be excluded.

Section 22. Paragraph (c) of subsection (1) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(1)

(c) Prior to requesting legislative approval of a proposed turnpike project, the environmental feasibility of the proposed project shall be reviewed by the Department of Environmental Protection. The department shall submit its Project Development and Environmental Report to the Department of Environmental Protection, along with a draft copy of a public notice. Within 14 days of receipt of the draft public notice, the Department of Environmental Protection shall return the draft public notice to the Department of Transportation with an approval of the language or modifications to the language. Upon receipt of the approved or modified draft, or if no comments are provided within 14 days, the Department of Transportation shall publish the notice as provided in chapter 50 in a newspaper to provide a 30-day public comment period. If published in the print edition of a newspaper, the headline of the required notice shall be in a type no smaller than 18 point. ~~The notice shall be placed in that portion of the newspaper where legal notices appear, and . The notice shall be published in a newspaper qualified to publish legal notices of general circulation in the county or counties of general interest and readership in the community as provided in s. 50.031, not one of limited subject matter.~~ Whenever possible, the notice shall appear in a newspaper that is published at least weekly 5 days a week. All notices published pursuant to this section ~~The notice shall include, at a minimum but is not limited to,~~ the following information:

1. The purpose of the notice is to provide for a 30-day period for written public comments on the environmental impacts of a proposed turnpike project.

2. The name and description of the project, along with a geographic location map clearly indicating the area where the proposed project will be located.

3. The address where such comments must be sent and the date such comments are due.

After a review of the department's report and any public comments, the Department of Environmental Protection shall submit a statement of environmental feasibility to the department within 30 days after the date on which public comments are due. The notice and the statement of environmental feasibility shall not give rise to any rights to a hearing or other rights or remedies provided pursuant to chapter 120 or chapter 403, and shall not bind the Department of Environmental Protection in any subsequent environmental permit review.

Section 23. 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, by Internet publication or by print in a newspaper qualified to publish legal notices of general circulation in the county in which the project it 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 24. 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, by either Internet publication or by print in and a newspaper ~~of general circulation~~ in the county in which the project it 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 25. 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, by either Internet publication or by print in a newspaper of general circulation in the county in which the project ~~it~~ 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 26. Section 373.0397, Florida Statutes, is amended to read:

373.0397 Floridan and Biscayne aquifers; designation of prime groundwater recharge areas.—Upon preparation of an inventory of prime

groundwater recharge areas for the Floridan or Biscayne aquifers, but prior to adoption by the governing board, the water management district shall publish a legal notice of public hearing on the designated areas for the Floridan and Biscayne aquifers, with a map delineating the boundaries of the areas, ~~as provided in newspapers defined in chapter 50 as having general circulation within the area to be affected.~~ The notice shall be at least one-fourth page and shall read as follows:

NOTICE OF PRIME RECHARGE
AREA DESIGNATION

The ...(name of taxing authority)... proposes to designate specific land areas as areas of prime recharge to the ...(name of aquifer)... Aquifer.

All concerned citizens are invited to attend a public hearing on the proposed designation to be held on ...(date and time)... at ...(meeting place)
....

A map of the affected areas follows.

The governing board of the water management district shall adopt a designation of prime groundwater recharge areas to the Floridan and Biscayne aquifers by rule within 120 days after the public hearing, subject to the provisions of chapter 120.

Section 27. Section 373.146, Florida Statutes, is amended to read:

373.146 Publication of notices, process, and papers.—

(1) Whenever in this chapter the publication of any notice, process, or paper is required or provided for, unless otherwise provided by law, the publication thereof ~~in some newspaper or newspapers as provided defined in chapter 50 is having general circulation within the area to be affected shall be taken and considered as being sufficient.~~

(2) Notwithstanding any other provision of law to the contrary, 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, by publication as provided in chapter 50 in a newspaper of general paid circulation 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 less than 7 days before such meeting.

Section 28. Subsection (12) of section 403.722, Florida Statutes, is amended to read:

403.722 Permits; hazardous waste disposal, storage, and treatment facilities.—

(12) On the same day of filing with the department of an application for a permit for the construction modification, or operation of a hazardous waste facility, the applicant shall notify each city and county within 1 mile of the facility of the filing of the application and shall publish notice of the filing of the application. The applicant shall publish a second notice of the filing within 14 days after the date of filing. Each notice shall be published as provided in chapter 50 in a newspaper of general circulation in the county in which the facility is located or is proposed to be located. ~~Notwithstanding the provisions of chapter 50, for purposes of this section, a “newspaper of general circulation” shall be the newspaper within the county in which the installation or facility is proposed which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notice shall appear in both the newspaper with the largest daily circulation in that county, and a newspaper authorized to publish legal notices in that county. The notice shall contain:~~

- (a) The name of the applicant and a brief description of the project and its location.
- (b) The location of the application file and when it is available for public inspection.

The notice shall be prepared by the applicant and shall comply with the following format:

Notice of Application

The Department of Environmental Protection announces receipt of an application for a permit from ...(name of applicant)... to ...(brief description of project).... This proposed project will be located at ...(location)... in ... (county)... ...(city)....

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at ...(name and address of office)....

Section 29. 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 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 some newspaper qualified to publish legal notices under chapter 50 that is of general publication published in the county, if there is be such a newspaper published in the county. and If there is no such newspaper not, the then said 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 in a newspaper, 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 30. 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 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 of general circulation, as defined in s. 165.031, in the county where the seizure occurred.

Section 31. This act shall take effect January 1, 2022.

Approved by the Governor May 7, 2021.

Filed in Office Secretary of State May 7, 2021.