



298476

LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/09/2012 04:16 PM

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Senator Bennett moved the following:

**Senate Amendment (with title amendment)**

Before line 69

insert:

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

50.011 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



298476

14 advertisements of sheriffs and tax collectors, the  
15 contemporaneous and continuous intent and meaning of such  
16 legislation all and singular, existing or repealed, is and has  
17 been and is hereby declared to be and to have been, and the rule  
18 of interpretation is and has been, a publication in a newspaper  
19 printed and published periodically once a week or oftener, in  
20 which containing at least 25 percent of the content is its words  
21 in the English language, and whose circulation is biannually  
22 audited and certified in an affidavit by an independent third-  
23 party auditor approved by the Community Papers of Florida, the  
24 Florida Community Paper Advertising Network, the Florida Press  
25 Association, or a similarly sanctioned organization recognized  
26 by the newspaper industry or entered or qualified to be admitted  
27 and entered as periodicals matter at a post office in the county  
28 where published, ~~for sale to the public generally, available to~~  
29 ~~the public generally~~ for the publication of official or other  
30 notices and customarily containing information of a public  
31 character or of interest or of value to the residents or owners  
32 of property in the county where published, or of interest or of  
33 value to the general public.

34 Section 2. Section 50.031, Florida Statutes, is amended to  
35 read:

36 50.031 Newspapers in which legal notices and process may be  
37 published.—No notice or publication required to be published in  
38 a newspaper in the nature of or in lieu of process of any kind,  
39 nature, character or description provided for under any law of  
40 the state, whether heretofore or hereafter enacted, and whether  
41 pertaining to constructive service, or the initiating, assuming,  
42 reviewing, exercising or enforcing jurisdiction or power, by any



298476

43 court in this state, or any notice of sale of property, real or  
44 personal, for taxes, state, county or municipal, or sheriff's,  
45 guardian's or administrator's or any sale made pursuant to any  
46 judicial order, decree or statute or any other publication or  
47 notice pertaining to any affairs of the state, or any county,  
48 municipality or other political subdivision thereof, shall be  
49 deemed to have been published in accordance with the statutes  
50 providing for such publication, unless the same shall have been  
51 published for the prescribed period of time required for such  
52 publication, in a newspaper which at the time of such  
53 publication shall have been in existence for 1 year, and whose  
54 circulation is biannually audited and certified in an affidavit  
55 by an independent third-party auditor approved by the Community  
56 Papers of Florida, the Florida Community Paper Advertising  
57 Network, the Florida Press Association, or a similarly  
58 sanctioned organization recognized by the newspaper industry or  
59 ~~and~~ shall have been entered as periodicals matter at a post  
60 office in the county where published, or in a newspaper which is  
61 a direct successor of a newspaper which together have been so  
62 published; provided, however, that nothing herein contained  
63 shall apply where in any county there shall be no newspaper in  
64 existence which shall have been published for the length of time  
65 above prescribed. No legal publication of any kind, nature or  
66 description, as herein defined, shall be valid or binding or  
67 held to be in compliance with the statutes providing for such  
68 publication unless the same shall have been published in  
69 accordance with the provisions of this section. Proof of such  
70 publication shall be made by uniform affidavit.

71 Section 3. Section 50.051, Florida Statutes, is amended to



298476

72 read:

73 50.051 Proof of publication; form of uniform affidavit.—The  
74 printed form upon which all such affidavits establishing proof  
75 of publication are to be executed shall be substantially as  
76 follows:

77

78 NAME OF NEWSPAPER

79

80 Published (Weekly or Daily)

81

82 (Town or City) (County) FLORIDA

83

84 STATE OF FLORIDA

85

86 COUNTY OF .....

87 Before the undersigned authority personally appeared .....,  
88 who on oath says that he or she is .... of the ....., a ....  
89 newspaper published at .... in .... County, Florida; that the  
90 attached copy of advertisement, being a .... in the matter of  
91 .... in the .... Court, was published in said newspaper in the  
92 issues of .....

93 Affiant further says that the said .... is a newspaper  
94 published at ....., in said .... County, Florida, and that the  
95 said newspaper has heretofore been continuously published in  
96 said .... County, Florida, ~~each .... and has been entered as~~  
97 ~~periodicals matter at the post office in ....., in said ....~~  
98 ~~County, Florida,~~ for a period of 1 year next preceding the first  
99 publication of the attached copy of advertisement; and affiant  
100 further says that he or she has neither paid nor promised any



101 person, firm or corporation any discount, rebate, commission or  
102 refund for the purpose of securing this advertisement for  
103 publication in the said newspaper.

104  
105 Sworn to and subscribed before me this .... day of .....,  
106 ...(year)..., by ....., who is personally known to me or who has  
107 produced (type of identification) as identification.

108  
109 ...(Signature of Notary Public)...

110  
111 ...(Print, Type, or Stamp Commissioned Name of Notary Public)...

112  
113 ...(Notary Public)...

114  
115 ===== T I T L E A M E N D M E N T =====

116 And the title is amended as follows:

117 Delete line 2

118 and insert:

119 An act relating to legal notices; amending ss. 50.011,  
120 50.031, and 50.051, F.S.; revising provisions relating  
121 to requirements for the publication of legal notices;  
122 creating s. 50.0211,