

By Senator Diaz

36-01821-19

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1                                   A bill to be entitled  
2       An act relating to legal and official advertisements;  
3       amending ss. 50.011, 50.021, 50.0211, and 50.031,  
4       F.S.; authorizing the publication of legal and  
5       official advertisements on specified publicly  
6       accessible governmental websites in lieu of  
7       publication in a newspaper; providing an effective  
8       date.

9  
10   Be It Enacted by the Legislature of the State of Florida:

11  
12       Section 1. Section 50.011, Florida Statutes, is amended to  
13   read:

14       50.011 Where and in what language legal notices to be  
15   published.—Whenever by statute an official or a legal  
16   advertisement or a publication, or notice in a newspaper has  
17   been or is directed or permitted in the nature of or in lieu of  
18   process, or for constructive service, or in initiating,  
19   assuming, reviewing, exercising or enforcing jurisdiction or  
20   power, or for any purpose, including all legal notices and  
21   advertisements of sheriffs and tax collectors, the  
22   contemporaneous and continuous intent and meaning of such  
23   legislation all and singular, existing or repealed, is and has  
24   been and is hereby declared to be and to have been, and the rule  
25   of interpretation is and has been, a publication in a newspaper  
26   printed and published periodically once a week or more  
27   frequently ~~oftener~~, containing at least 25 percent of its words  
28   in the English language, entered or qualified to be admitted and  
29   entered as periodicals matter at a post office in the county

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30 where published, for sale to the public generally, available to  
31 the public generally for the publication of official or other  
32 notices and customarily containing information of a public  
33 character or of interest or of value to the residents or owners  
34 of property in the county where published, or of interest or of  
35 value to the general public. Notwithstanding any other provision  
36 of law, the publication of a notice or an advertisement on a  
37 publicly accessible website maintained by a county or  
38 municipality constitutes legal notice for purposes of this  
39 section.

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

42 50.021 Publication when no newspaper in county.-

43 (1) When any law, or order or decree of court, directs  
44 ~~shall direct~~ advertisements to be made in any county and ~~there~~  
45 ~~be~~ no newspaper is published in such ~~the said~~ county, the  
46 advertisement may be made by posting three copies of the  
47 advertisement thereof in three different locations within the  
48 ~~places in said~~ county, one of which must ~~shall~~ be at the front  
49 door of the courthouse, and by publication in the nearest county  
50 in which a newspaper is published.

51 (2) Notwithstanding any other provision of law, a county,  
52 municipality, or dependent special district may publish such an  
53 advertisement on a publicly accessible website maintained by a  
54 county or municipality in lieu of the notice required under  
55 subsection (1).

56 Section 3. Subsection (2) of section 50.0211, Florida  
57 Statutes, is amended, and subsection (5) is added to that  
58 section, to read:

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59 50.0211 Internet website publication.—

60 (2) If legal notice is published in a newspaper, each such  
61 legal notice must be posted on the newspaper's website on the  
62 same day that the printed notice appears in the newspaper, at no  
63 additional charge, in a separate web page titled "Legal  
64 Notices," "Legal Advertising," or comparable identifying  
65 language. A link to the legal notices web page shall be provided  
66 on the front page of the newspaper's website that provides  
67 access to the legal notices. If there is a specified size and  
68 placement required for a printed legal notice, the size and  
69 placement of the notice on the newspaper's website must optimize  
70 its online visibility in keeping with the print requirements.  
71 The newspaper's web pages that contain legal notices must  
72 present the legal notices as the dominant and leading subject  
73 matter of those pages. The newspaper's website must contain a  
74 search function to facilitate searching the legal notices. A fee  
75 may not be charged, and registration may not be required, for  
76 viewing or searching legal notices on a newspaper's website if  
77 the legal notice is published in a newspaper.

78 (5) Notwithstanding any other provision of law, the  
79 publication of a notice or an advertisement on a publicly  
80 accessible website maintained by a county or municipality  
81 constitutes legal notice for purposes of this section.

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

84 50.031 Newspapers in which legal notices and process may be  
85 published.—No notice or publication required to be published in  
86 a newspaper in the nature of or in lieu of process of any kind,  
87 nature, character or description provided for under any law of

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88 the state, whether heretofore or hereafter enacted, and whether  
89 pertaining to constructive service, or the initiating, assuming,  
90 reviewing, exercising or enforcing jurisdiction or power, by any  
91 court in this state, or any notice of sale of property, real or  
92 personal, for taxes, state, county or municipal, or sheriff's,  
93 guardian's or administrator's or any sale made pursuant to any  
94 judicial order, decree or statute or any other publication or  
95 notice pertaining to any affairs of the state, or any county,  
96 municipality or other political subdivision thereof, shall be  
97 deemed to have been published in accordance with the statutes  
98 providing for such publication, unless the same shall have been  
99 published for the prescribed period of time required for such  
100 publication, in a newspaper which at the time of such  
101 publication shall have been in existence for 1 year and shall  
102 have been entered as periodicals matter at a post office in the  
103 county where published, or in a newspaper which is a direct  
104 successor of a newspaper which together have been so published;  
105 provided, however, that nothing herein contained shall apply  
106 where in any county there shall be no newspaper in existence  
107 which shall have been published for the length of time above  
108 prescribed. No legal publication of any kind, nature or  
109 description, as herein defined, shall be valid or binding or  
110 held to be in compliance with the statutes providing for such  
111 publication unless the same shall have been published in  
112 accordance with the provisions of this section. Proof of such  
113 publication shall be made by uniform affidavit. Notwithstanding  
114 any other provision of law, the publication of a notice or an  
115 advertisement on a publicly accessible website maintained by a  
116 county or municipality constitutes legal notice for purposes of

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117 this section.

118 Section 5. This act shall take effect July 1, 2019.