

By Senator Trumbull

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A bill to be entitled
An act relating to legal notices; amending s. 50.0311,
F.S.; revising the definition of the terms
"governmental agency" and "publicly accessible
website"; authorizing a governmental agency to use its
own publicly accessible website or the publicly
accessible website of the county in which it lies to
publish specified advertisements and notices;
reenacting ss. 11.02, 45.031(2), 50.011(2),
90.902(12), 120.81(1)(d), 121.055(1)(b) and (h),
162.12(2)(a), 190.005(1)(d), 200.065(2)(f), 849.38(5),
1001.372(2)(c), and 1011.03(1), F.S., relating to
notice of special or local legislation or certain
relief acts, publication of certain notice for a
certain judicial sales procedure, publication of legal
notices, self-authentication of certain legal notices,
exceptions and special requirements of rules regarding
educational units, notice regarding positions to be
included in the Senior Management Service Class,
notices issued by local government code enforcement
boards, establishment of certain community development
districts, notices regarding district school board
budgets, citations regarding proceedings for
forfeiture of property, due public notice for district
school board meetings, and notice for public budget
hearings of the district school board, respectively,
to incorporate the amendment made to s. 50.0311, F.S.,
in references thereto; providing an effective date.

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

Section 1. Subsections (1), (2), and (3) of section 50.0311, Florida Statutes, are amended to read:

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

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

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

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

Section 2. For the purpose of incorporating the amendment made by this act to section 50.0311, Florida Statutes, in a

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reference thereto, section 11.02, Florida Statutes, is reenacted to read:

11.02 Notice of special or local legislation or certain relief acts.—The notice required to obtain special or local legislation or any relief act specified in s. 11.065 shall be by publishing the identical notice as provided in chapter 50 or circulated throughout the county or counties where the matter or thing to be affected by such legislation shall be situated one time at least 30 days before introduction of the proposed law into the Legislature or, if the notice is not published on a publicly accessible website as provided in s. 50.0311 and there is no newspaper circulated throughout or published in the county, by posting for at least 30 days at not fewer 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 3. For the purpose of incorporating the amendment made by this act to section 50.0311, Florida Statutes, in a reference thereto, subsection (2) of section 45.031, Florida Statutes, is reenacted to read:

45.031 Judicial sales procedure.—In any sale of real or personal property under an order or judgment, the procedures

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provided in this section and ss. 45.0315-45.035 may be followed as an alternative to any other sale procedure if so ordered by the court.

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

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

(b) The time and place of sale.

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

(d) The caption of the action.

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

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

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

Section 4. For the purpose of incorporating the amendment made by this act to section 50.0311, Florida Statutes, in a reference thereto, subsection (2) of section 50.011, Florida Statutes, is reenacted to read:

50.011 Publication of legal notices.—Whenever by statute an

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official or legal advertisement or a publication or notice in a newspaper or on a governmental agency website has been or is directed or permitted in the nature of or in lieu of process, or for constructive service, or in initiating, assuming, reviewing, exercising, or enforcing jurisdiction or power, or for any purpose, including all legal notices and advertisements of sheriffs and tax collectors, such legislation, whether existing or repealed, means either of the following:

(2) A publication on a publicly accessible website under s. 50.0311.

Section 5. For the purpose of incorporating the amendment made by this act to section 50.0311, Florida Statutes, in a reference thereto, subsection (12) of section 90.902, Florida Statutes, is reenacted to read:

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

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

Section 6. For the purpose of incorporating the amendment made by this act to section 50.0311, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 120.81, Florida Statutes, is reenacted 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

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of the rule or rule amendment in notices relating to rules and need not publish these or other notices in the Florida Administrative Register, but notice shall be made:

1. By publication in a newspaper qualified under chapter 50 in the affected area or on a publicly accessible website as provided in s. 50.0311;

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

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

Section 7. For the purpose of incorporating the amendment made by this act to section 50.0311, Florida Statutes, in references thereto, paragraphs (b) and (h) of subsection (1) of section 121.055, Florida Statutes, are reenacted 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:

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175 a. Positions to be included in the class are designated by
176 the local agency employer. Notice of intent to designate
177 positions for inclusion in the class must be published for at
178 least 2 consecutive weeks if published on a publicly accessible
179 website as provided in s. 50.0311 or, if published in print,
180 once a week for 2 consecutive weeks in a newspaper qualified
181 under chapter 50 that is published in the county or counties
182 affected.

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

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

193 (I) Heads an organizational unit; or

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

197 2. In lieu of participation in the Senior Management
198 Service Class, members of the Senior Management Service Class,
199 pursuant to subparagraph 1., may withdraw from the Florida
200 Retirement System altogether. The decision to withdraw from the
201 system is irrevocable as long as the employee holds the
202 position. Any service creditable under the Senior Management
203 Service Class shall be retained after the member withdraws from

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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.

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

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

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

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the

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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

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Management Service Optional Annuity Program as established in subsection (6).

Section 8. For the purpose of incorporating the amendment made by this act to section 50.0311, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 162.12, Florida Statutes, is reenacted to read:

162.12 Notices.—

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

(a)1. Such notice shall be published in print in a newspaper or on a publicly accessible website as provided in s. 50.0311 for 4 consecutive weeks. If published in print, the notice shall be published once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

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

Section 9. For the purpose of incorporating the amendment made by this act to section 50.0311, Florida Statutes, in a reference thereto, paragraph (d) of subsection (1) of section 190.005, Florida Statutes, is reenacted 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

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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 publicly accessible website as provided in s. 50.0311 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 not be placed in the portion of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in a newspaper in the county and of general interest and readership in the community pursuant to chapter 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least weekly, unless the only newspaper in the community is published less than weekly. If the

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

Section 10. For the purpose of incorporating the amendment made by this act to section 50.0311, Florida Statutes, in references thereto, paragraph (f) of subsection (2) of section 200.065, Florida Statutes, is reenacted to read:

200.065 Method of fixing millage.—

(2) No millage shall be levied until a resolution or ordinance has been approved by the governing board of the taxing authority which resolution or ordinance must be approved by the taxing authority according to the following procedure:

(f)1. Notwithstanding any provisions of paragraph (c) to the contrary, each school district shall advertise its intent to adopt a tentative budget on a publicly accessible website pursuant to s. 50.0311 or in a newspaper of general circulation pursuant to subsection (3) within 29 days after certification of value pursuant to subsection (1). For the purpose of this paragraph, the term "publicly accessible website" includes a district school board's official website if the school board website satisfies the remaining requirements of s. 50.0311. Not less than 2 days or more than 5 days thereafter, the district shall hold a public hearing on the tentative budget pursuant to the applicable provisions of paragraph (c). In the event of postponement or recess due to a declared state of emergency, the school district may postpone or recess the hearing for up to 7

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378 days and shall post a prominent notice at the place of the
379 original hearing showing the date, time, and place where the
380 hearing will be reconvened. The posted notice shall measure not
381 less than 8.5 by 11 inches. The school district shall make every
382 reasonable effort to provide reasonable notification of the
383 continued hearing to the taxpayers. The information must also be
384 posted on the school district's website if the district school
385 board uses a different method of advertisement.

386 2. Notwithstanding any provisions of paragraph (b) to the
387 contrary, each school district shall advise the property
388 appraiser of its recomputed proposed millage rate within 35 days
389 of certification of value pursuant to subsection (1). The
390 recomputed proposed millage rate of the school district shall be
391 considered its proposed millage rate for the purposes of
392 paragraph (b).

393 3. Notwithstanding any provisions of paragraph (d) to the
394 contrary, each school district shall hold a public hearing to
395 finalize the budget and adopt a millage rate within 80 days of
396 certification of value pursuant to subsection (1), but not
397 earlier than 65 days after certification. The hearing shall be
398 held in accordance with the applicable provisions of paragraph
399 (d), except that a newspaper advertisement need not precede the
400 hearing.

401 Section 11. For the purpose of incorporating the amendment
402 made by this act to section 50.0311, Florida Statutes, in a
403 reference thereto, subsection (5) of section 849.38, Florida
404 Statutes, is reenacted to read:

405 849.38 Proceedings for forfeiture; notice of seizure and
406 order to show cause.—

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

Section 12. For the purpose of incorporating the amendment made by this act to section 50.0311, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 1001.372, Florida Statutes, is reenacted to read:

1001.372 District school board meetings.—

(2) PLACE OF MEETINGS.—

(c) For the purpose of this section, due public notice shall consist of, at least 2 days prior to the meeting:

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continuous publication on a publicly accessible website as provided in s. 50.0311 or the official district school board website; publication in a newspaper of general circulation in the county, or in each county where there is no newspaper of general circulation in the county, an announcement over at least one radio station whose signal is generally received in the county, a reasonable number of times daily during the 48 hours immediately preceding the date of such meeting; or posting a notice at the courthouse door if no newspaper is published in the county.

Section 13. For the purpose of incorporating the amendment made by this act to section 50.0311, Florida Statutes, in a reference thereto, subsection (1) of section 1011.03, Florida Statutes, is reenacted to read:

1011.03 Public hearings; budget to be submitted to Department of Education.—

(1) Each district school board shall cause a summary of its tentative budget, including the proposed millage levies as provided for by law, to be posted on the district's official website or on a publicly accessible website as provided in s. 50.0311.

Section 14. This act shall take effect July 1, 2026.