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CS/CS/HB 937

2012 Legislature

1  
2 An act relating to legal notices; creating s. 50.0211,  
3 F.S.; requiring that, after a specified date, if a  
4 legal notice is published in a newspaper, the  
5 newspaper publishing the notice shall also place the  
6 notice on a website maintained by the newspaper, at no  
7 additional charge; providing requirements for size and  
8 placement of such website publication; requiring free  
9 access to such online publications; requiring that  
10 legal notices published in newspapers also be  
11 published on another specified website; requiring  
12 that, after a specified date, newspapers that publish  
13 legal notice must provide e-mail notification of new  
14 legal notices; providing requirements for such notice;  
15 providing that an error on a newspaper or statewide  
16 website shall be considered a harmless error and legal  
17 notice requirements shall be considered met if the  
18 notice published in the newspaper is correct; amending  
19 s. 50.041, F.S.; revising physical requirements for  
20 proof of publication affidavits; authorizing  
21 electronic affidavits that meet specified  
22 requirements; amending s. 50.061, F.S.; limiting the  
23 rate that may be charged for government notices  
24 required to be published more than once in certain  
25 circumstances; deleting provisions specifying rates  
26 for legal notices based on county population;  
27 specifying that if a public notice is published in a  
28 newspaper, publication of a notice on a website

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29 | pursuant to specified provisions must be done at no  
30 | charge; amending ss. 125.66, 166.041, 190.005, and  
31 | 200.065, F.S.; requiring that website publication of  
32 | certain legal notices include maps that appear in the  
33 | newspaper advertisements; amending s. 17.325, F.S.;  
34 | making it optional for the Chief Financial Officer to  
35 | advertise the availability of the governmental  
36 | efficiency hotline; amending s. 215.68, F.S.; deleting  
37 | specific criteria for publishing certain bond notices;  
38 | amending ss. 120.60 215.555, 253.52, 255.518, and  
39 | 380.0668, F.S.; deleting requirements that certain  
40 | legal notices be published in Leon County; amending s.  
41 | 455.275, F.S.; deleting a requirement that certain  
42 | notices concerning professional licensees who cannot  
43 | be personally served be published in Leon County;  
44 | requiring that plain notice to the licensee to be  
45 | posted on the front page of the Department of Business  
46 | and Professional Regulation's website and provided to  
47 | certain news outlets; amending s. 473.3141, F.S.;  
48 | deleting a requirement that notices concerning  
49 | discipline of certain certified public accountants be  
50 | published in Leon County; amending s. 527.23, F.S.;  
51 | deleting requirements relating to the newspaper  
52 | publication of certain notices relating to marketing  
53 | orders for propane gas; providing for Internet  
54 | publication of such orders and for providing  
55 | information to certain news outlets; amending ss.  
56 | 573.109 and 573.111, F.S.; deleting requirements

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57 relating to the newspaper publication of certain  
58 notices relating to agricultural marketing orders;  
59 providing for Internet publication of such orders and  
60 for providing information to certain news outlets;  
61 amending s. 631.59, F.S.; deleting requirements for  
62 the newspaper publication of certain notices  
63 concerning insolvent insurers; providing for notice by  
64 e-mail or telephone; providing applicability;  
65 providing effective date.

66  
67 Be It Enacted by the Legislature of the State of Florida:

68  
69 Section 1. Section 50.0211, Florida Statutes, is created  
70 to read:

71 50.0211 Internet website publication.—

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

75 (2) Each legal notice must be placed on the newspaper's  
76 website on the same day the notice appears in the newspaper, at  
77 no additional charge. A link to legal notices shall be provided  
78 on the front page of the newspaper's website that provides  
79 access to the legal notices without charge. If there is a  
80 specified size and placement required for a printed legal  
81 notice, the size and placement of the notice on the newspaper's  
82 website should optimize its online visibility in keeping with  
83 the print requirements. The newspaper's web pages that contain  
84 legal notices shall present the legal notices as the dominant

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85 subject matter of those pages. The newspaper's website shall  
86 contain a search function to facilitate searching the legal  
87 notices. This subsection shall take effect July 1, 2013.

88 (3) If a legal notice is published in a newspaper, the  
89 newspaper publishing the notice shall place the notice on the  
90 website established and maintained as an initiative of the  
91 Florida Press Association as a repository for such notices  
92 located at the following address: www.floridapublicnotices.com.

93 (4) Newspapers that publish legal notices shall, upon  
94 request, provide e-mail notification of new legal notices when  
95 they are printed in the newspaper and added to the newspaper's  
96 website. Such e-mail notification shall be provided without  
97 charge and notification for such an e-mail registry shall be  
98 available on the front page of the legal notices section of the  
99 newspaper's website. This subsection shall take effect July 1,  
100 2013.

101 (5) An error in the notice placed on the newspaper or  
102 statewide website shall be considered a harmless error and  
103 proper legal notice requirements shall be considered met if the  
104 notice published in the newspaper is correct.

105 Section 2. Subsection (2) of section 50.041, Florida  
106 Statutes, is amended to read:

107 50.041 Proof of publication; uniform affidavits required.—

108 (2) Each such affidavit shall be printed upon white ~~bond~~  
109 ~~paper containing at least 25 percent rag material~~ and shall be 8  
110 1/2 inches in width and of convenient length, not less than 5  
111 1/2 inches. A white margin of not less than 2 1/2 inches shall  
112 be left at the right side of each affidavit form and upon or in

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113 | this space shall be substantially pasted a clipping which shall  
 114 | be a true copy of the public notice or legal advertisement for  
 115 | which proof is executed. Alternatively, the affidavit may be  
 116 | provided in electronic rather than paper form, provided the  
 117 | notarization of the affidavit complies with the requirements of  
 118 | s. 117.021.

119 |       Section 3. Section 50.061, Florida Statutes, is amended to  
 120 | read:

121 |       50.061 Amounts chargeable.—

122 |       (1) The publisher of any newspaper publishing any and all  
 123 | official public notices or legal advertisements shall charge  
 124 | therefor the rates specified in this section without rebate,  
 125 | commission or refund.

126 |       (2) The charge for publishing each such official public  
 127 | notice or legal advertisement shall be 70 cents per square inch  
 128 | for the first insertion and 40 cents per square inch for each  
 129 | subsequent insertion, except that government notices required to  
 130 | be published more than once whose cost is paid for by the  
 131 | government and not paid in advance by or allowed to be recouped  
 132 | from private parties may not be charged for the second and  
 133 | successive insertions at a rate greater than 85 percent of the  
 134 | original rate.÷

135 |       ~~(a) In all counties having a population of more than~~  
 136 | ~~304,000 according to the latest official decennial census, the~~  
 137 | ~~charge for publishing each such official public notice or legal~~  
 138 | ~~advertisement shall be 80 cents per square inch for the first~~  
 139 | ~~insertion and 60 cents per square inch for each subsequent~~  
 140 | ~~insertion.~~

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141 ~~(b) In all counties having a population of more than~~  
 142 ~~450,000 according to the latest official decennial census, the~~  
 143 ~~charge for publishing each such official public notice or legal~~  
 144 ~~advertisement shall be 95 cents per square inch for the first~~  
 145 ~~insertion and 75 cents per square inch for each subsequent~~  
 146 ~~insertion.~~

147 (3) Where the regular established minimum commercial rate  
 148 per square inch of the newspaper publishing such official public  
 149 notices or legal advertisements is in excess of the rate herein  
 150 stipulated, said minimum commercial rate per square inch may be  
 151 charged for all such legal advertisements or official public  
 152 notices for each insertion, except that government notices  
 153 required to be published more than once whose cost is paid for  
 154 by the government and not paid in advance by or allowed to be  
 155 recouped from private parties may not be charged for the second  
 156 and successive insertions at a rate greater than 85 percent of  
 157 the original rate.

158 (4) A governmental agency publishing an official public  
 159 notice or legal advertisement may procure publication by  
 160 soliciting and accepting written bids from newspapers published  
 161 in the county, in which case the specified charges in this  
 162 section do not apply.

163 (5) If the public notice is published in a newspaper, the  
 164 posting of the notice on the newspaper's website pursuant to s.  
 165 50.0211(2) must be done at no additional charge.

166 (6)~~(4)~~ All official public notices and legal  
 167 advertisements shall be charged and paid for on the basis of 6-  
 168 point type on 6-point body, unless otherwise specified by

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169 statute.

170 (7)~~(5)~~ Any person violating a ~~provision~~ of this section,  
171 either by allowing or accepting any rebate, commission, or  
172 refund, commits a misdemeanor of the second degree, punishable  
173 as provided in s. 775.082 or s. 775.083.

174 (8)~~(6)~~ Failure to charge the rates prescribed by this  
175 section shall in no way affect the validity of any official  
176 public notice or legal advertisement and shall not subject same  
177 to legal attack upon such grounds.

178 Section 4. Paragraph (b) of subsection (4) of section  
179 125.66, Florida Statutes, is amended to read:

180 125.66 Ordinances; enactment procedure; emergency  
181 ordinances; rezoning or change of land use ordinances or  
182 resolutions.—

183 (4) Ordinances or resolutions, initiated by other than the  
184 county, that change the actual zoning map designation of a  
185 parcel or parcels of land shall be enacted pursuant to  
186 subsection (2). Ordinances or resolutions that change the actual  
187 list of permitted, conditional, or prohibited uses within a  
188 zoning category, or ordinances or resolutions initiated by the  
189 county that change the actual zoning map designation of a parcel  
190 or parcels of land shall be enacted pursuant to the following  
191 procedure:

192 (b) In cases in which the proposed ordinance or resolution  
193 changes the actual list of permitted, conditional, or prohibited  
194 uses within a zoning category, or changes the actual zoning map  
195 designation of a parcel or parcels of land involving 10  
196 contiguous acres or more, the board of county commissioners

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197 shall provide for public notice and hearings as follows:

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

208       2. The required advertisements shall be no less than 2  
209 columns wide by 10 inches long in a standard size or a tabloid  
210 size newspaper, and the headline in the advertisement shall be  
211 in a type no smaller than 18 point. The advertisement shall not  
212 be placed in that portion of the newspaper where legal notices  
213 and classified advertisements appear. The advertisement shall be  
214 placed in a newspaper of general paid circulation in the county  
215 and of general interest and readership in the community pursuant  
216 to chapter 50, not one of limited subject matter. It is the  
217 legislative intent that, whenever possible, the advertisement  
218 shall appear in a newspaper that is published at least 5 days a  
219 week unless the only newspaper in the community is published  
220 less than 5 days a week. The advertisement shall be in  
221 substantially the following form:

222  
223                                   NOTICE OF (TYPE OF) CHANGE  
224



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

228  
229           A public hearing on the ordinance or resolution will be  
230 held on ...(date and time)... at ...(meeting place)....

231  
232 Except for amendments which change the actual list of permitted,  
233 conditional, or prohibited uses within a zoning category, the  
234 advertisement shall contain a geographic location map which  
235 clearly indicates the area within the local government covered  
236 by the proposed ordinance or resolution. The map shall include  
237 major street names as a means of identification of the general  
238 area. In addition to being published in the newspaper, the map  
239 must be part of the online notice required pursuant to s.  
240 50.0211.

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

248           Section 5. Paragraph (c) of subsection (3) of section  
249 166.041, Florida Statutes, is amended to read:

250           166.041 Procedures for adoption of ordinances and  
251 resolutions.—

252           (3)

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

261 1. In cases in which the proposed ordinance changes the  
262 actual zoning map designation for a parcel or parcels of land  
263 involving less than 10 contiguous acres, the governing body  
264 shall direct the clerk of the governing body to notify by mail  
265 each real property owner whose land the municipality will  
266 redesignate by enactment of the ordinance and whose address is  
267 known by reference to the latest ad valorem tax records. The  
268 notice shall state the substance of the proposed ordinance as it  
269 affects that property owner and shall set a time and place for  
270 one or more public hearings on such ordinance. Such notice shall  
271 be given at least 30 days prior to the date set for the public  
272 hearing, and a copy of the notice shall be kept available for  
273 public inspection during the regular business hours of the  
274 office of the clerk of the governing body. The governing body  
275 shall hold a public hearing on the proposed ordinance and may,  
276 upon the conclusion of the hearing, immediately adopt the  
277 ordinance.

278 2. In cases in which the proposed ordinance changes the  
279 actual list of permitted, conditional, or prohibited uses within  
280 a zoning category, or changes the actual zoning map designation

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281 of a parcel or parcels of land involving 10 contiguous acres or  
282 more, the governing body shall provide for public notice and  
283 hearings as follows:

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

293 b. The required advertisements shall be no less than 2  
294 columns wide by 10 inches long in a standard size or a tabloid  
295 size newspaper, and the headline in the advertisement shall be  
296 in a type no smaller than 18 point. The advertisement shall not  
297 be placed in that portion of the newspaper where legal notices  
298 and classified advertisements appear. The advertisement shall be  
299 placed in a newspaper of general paid circulation in the  
300 municipality and of general interest and readership in the  
301 municipality, not one of limited subject matter, pursuant to  
302 chapter 50. It is the legislative intent that, whenever  
303 possible, the advertisement appear in a newspaper that is  
304 published at least 5 days a week unless the only newspaper in  
305 the municipality is published less than 5 days a week. The  
306 advertisement shall be in substantially the following form:

307  
308 NOTICE OF (TYPE OF) CHANGE

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309  
310           The ...(name of local governmental unit)... proposes to  
311 adopt the following ordinance:...(title of the ordinance)....

312  
313           A public hearing on the ordinance will be held on ...(date  
314 and time)... at ...(meeting place)....

315  
316 Except for amendments which change the actual list of permitted,  
317 conditional, or prohibited uses within a zoning category, the  
318 advertisement shall contain a geographic location map which  
319 clearly indicates the area covered by the proposed ordinance.  
320 The map shall include major street names as a means of  
321 identification of the general area. In addition to being  
322 published in the newspaper, the map must be part of the online  
323 notice required pursuant to s. 50.0211.

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

330           Section 6. Paragraph (d) of subsection (1) of section  
331 190.005, Florida Statutes, is amended to read:

332           190.005 Establishment of district.—

333           (1) The exclusive and uniform method for the establishment  
334 of a community development district with a size of 1,000 acres  
335 or more shall be pursuant to a rule, adopted under chapter 120  
336 by the Florida Land and Water Adjudicatory Commission, granting

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337 a petition for the establishment of a community development  
338 district.

339 (d) A local public hearing on the petition shall be  
340 conducted by a hearing officer in conformance with the  
341 applicable requirements and procedures of the Administrative  
342 Procedure Act. The hearing shall include oral and written  
343 comments on the petition pertinent to the factors specified in  
344 paragraph (e). The hearing shall be held at an accessible  
345 location in the county in which the community development  
346 district is to be located. The petitioner shall cause a notice  
347 of the hearing to be published in a newspaper at least once a  
348 week for the 4 successive weeks immediately prior to the  
349 hearing. Such notice shall give the time and place for the  
350 hearing, a description of the area to be included in the  
351 district, which description shall include a map showing clearly  
352 the area to be covered by the district, and any other relevant  
353 information which the establishing governing bodies may require.  
354 The advertisement shall not be placed in that portion of the  
355 newspaper where legal notices and classified advertisements  
356 appear. The advertisement shall be published in a newspaper of  
357 general paid circulation in the county and of general interest  
358 and readership in the community, not one of limited subject  
359 matter, pursuant to chapter 50. Whenever possible, the  
360 advertisement shall appear in a newspaper that is published at  
361 least 5 days a week, unless the only newspaper in the community  
362 is published fewer than 5 days a week. In addition to being  
363 published in the newspaper, the map referenced above must be  
364 part of the online advertisement required pursuant to s.

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365 50.0211. All affected units of general-purpose local government  
366 and the general public shall be given an opportunity to appear  
367 at the hearing and present oral or written comments on the  
368 petition.

369 Section 7. Paragraph (h) of subsection (3) of section  
370 200.065, Florida Statutes, is amended to read:

371 200.065 Method of fixing millage.—

372 (3) The advertisement shall be no less than one-quarter  
373 page in size of a standard size or a tabloid size newspaper, and  
374 the headline in the advertisement shall be in a type no smaller  
375 than 18 point. The advertisement shall not be placed in that  
376 portion of the newspaper where legal notices and classified  
377 advertisements appear. The advertisement shall be published in a  
378 newspaper of general paid circulation in the county or in a  
379 geographically limited insert of such newspaper. The geographic  
380 boundaries in which such insert is circulated shall include the  
381 geographic boundaries of the taxing authority. It is the  
382 legislative intent that, whenever possible, the advertisement  
383 appear in a newspaper that is published at least 5 days a week  
384 unless the only newspaper in the county is published less than 5  
385 days a week, or that the advertisement appear in a  
386 geographically limited insert of such newspaper which insert is  
387 published throughout the taxing authority's jurisdiction at  
388 least twice each week. It is further the legislative intent that  
389 the newspaper selected be one of general interest and readership  
390 in the community and not one of limited subject matter, pursuant  
391 to chapter 50.

392 (h) In no event shall any taxing authority add to or

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393 delete from the language of the advertisements as specified  
 394 herein unless expressly authorized by law, except that, if an  
 395 increase in ad valorem tax rates will affect only a portion of  
 396 the jurisdiction of a taxing authority, advertisements may  
 397 include a map or geographical description of the area to be  
 398 affected and the proposed use of the tax revenues under  
 399 consideration. In addition, if published in the newspaper, the  
 400 map must be part of the online advertisement required by s.  
 401 50.0211. The advertisements required herein shall not be  
 402 accompanied, preceded, or followed by other advertising or  
 403 notices which conflict with or modify the substantive content  
 404 prescribed herein.

405 Section 8. Subsection (2) of section 17.325, Florida  
 406 Statutes, is amended to read:

407 17.325 Governmental efficiency hotline; duties of Chief  
 408 Financial Officer.—

409 (2) The Chief Financial Officer shall operate the hotline  
 410 24 hours a day. The Chief Financial Officer may ~~shall~~ advertise  
 411 the availability of the hotline in newspapers of general  
 412 circulation in this state and shall provide for the posting of  
 413 notices in conspicuous places in state agency offices, city  
 414 halls, county courthouses, and places in which there is exposure  
 415 to significant numbers of the general public, including, but not  
 416 limited to, local convenience stores, shopping malls, shopping  
 417 centers, gasoline stations, or restaurants. The Chief Financial  
 418 Officer shall use the slogan "Tell us where we can 'Get Lean'"  
 419 for the hotline and in advertisements for the hotline.

420 Section 9. Paragraph (b) of subsection (5) of section

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421 215.68, Florida Statutes, is amended to read:  
 422       215.68 Issuance of bonds; form; maturity date, execution,  
 423 sale.—  
 424       (5)  
 425       (b) All of such bonds shall be sold at public sale at such  
 426 place or places within the state as the board shall determine to  
 427 receive proposals for the purchase of such bonds. Notice of such  
 428 sale shall be provided at such time ~~published at least once at~~  
 429 ~~least 10 days prior to the date of sale in one or more~~  
 430 ~~newspapers or financial journals published within or without the~~  
 431 ~~state~~ and shall contain such terms as the board shall deem  
 432 advisable and proper under the circumstances; provided, that if  
 433 no bids are received at the time and place called for by such  
 434 notice of sale, or if all bids received are rejected, such bonds  
 435 may again be offered for public sale by competitive bid or  
 436 negotiated sale, as provided herein, upon a shorter period of  
 437 reasonable notice provided for by resolution of the board.  
 438 However, unless the State Constitution specifically requires the  
 439 public sale by competitive bid of such bonds, the division may,  
 440 by resolution adopted at a public meeting, determine that a  
 441 negotiated sale of such bonds is in the best interest of the  
 442 issuer, and may negotiate for sale of such bonds to any  
 443 underwriter designated by the division.  
 444       1. In the resolution authorizing the negotiated sale, the  
 445 division shall provide specific findings as to the reasons  
 446 requiring the negotiated sale.  
 447       2. A resolution authorizing a negotiated bond sale may be  
 448 the same resolution as that authorizing the issuance of such



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449 bonds.

450 Section 10. Subsection (5) of section 120.60, Florida  
451 Statutes, is amended to read:

452 120.60 Licensing.—

453 (5) No revocation, suspension, annulment, or withdrawal of  
454 any license is lawful unless, prior to the entry of a final  
455 order, the agency has served, by personal service or certified  
456 mail, an administrative complaint which affords reasonable  
457 notice to the licensee of facts or conduct which warrant the  
458 intended action and unless the licensee has been given an  
459 adequate opportunity to request a proceeding pursuant to ss.  
460 120.569 and 120.57. When personal service cannot be made and the  
461 certified mail notice is returned undelivered, the agency shall  
462 cause a short, plain notice to the licensee to be published once  
463 each week for 4 consecutive weeks in a newspaper published in  
464 the county of the licensee's last known address as it appears on  
465 the records of the agency. If no newspaper is published in that  
466 county, the notice may be published in a newspaper of general  
467 circulation in that county. ~~If the address is in some state  
468 other than this state or in a foreign territory or country, the  
469 notice may be published in Leon County.~~

470 Section 11. Paragraph (d) of subsection (6) of section  
471 215.555, Florida Statutes, is amended to read:

472 215.555 Florida Hurricane Catastrophe Fund.—

473 (6) REVENUE BONDS.—

474 (d) Florida Hurricane Catastrophe Fund Finance  
475 Corporation.—

476 1. In addition to the findings and declarations in

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477 subsection (1), the Legislature also finds and declares that:

478 a. The public benefits corporation created under this  
479 paragraph will provide a mechanism necessary for the cost-  
480 effective and efficient issuance of bonds. This mechanism will  
481 eliminate unnecessary costs in the bond issuance process,  
482 thereby increasing the amounts available to pay reimbursement  
483 for losses to property sustained as a result of hurricane  
484 damage.

485 b. The purpose of such bonds is to fund reimbursements  
486 through the Florida Hurricane Catastrophe Fund to pay for the  
487 costs of construction, reconstruction, repair, restoration, and  
488 other costs associated with damage to properties of  
489 policyholders of covered policies due to the occurrence of a  
490 hurricane.

491 c. The efficacy of the financing mechanism will be  
492 enhanced by the corporation's ownership of the assessments, by  
493 the insulation of the assessments from possible bankruptcy  
494 proceedings, and by covenants of the state with the  
495 corporation's bondholders.

496 2.a. There is created a public benefits corporation, which  
497 is an instrumentality of the state, to be known as the Florida  
498 Hurricane Catastrophe Fund Finance Corporation.

499 b. The corporation shall operate under a five-member board  
500 of directors consisting of the Governor or a designee, the Chief  
501 Financial Officer or a designee, the Attorney General or a  
502 designee, the director of the Division of Bond Finance of the  
503 State Board of Administration, and the senior employee of the  
504 State Board of Administration responsible for operations of the

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505 Florida Hurricane Catastrophe Fund.

506 c. The corporation has all of the powers of corporations  
507 under chapter 607 and under chapter 617, subject only to the  
508 provisions of this subsection.

509 d. The corporation may issue bonds and engage in such  
510 other financial transactions as are necessary to provide  
511 sufficient funds to achieve the purposes of this section.

512 e. The corporation may invest in any of the investments  
513 authorized under s. 215.47.

514 f. There shall be no liability on the part of, and no  
515 cause of action shall arise against, any board members or  
516 employees of the corporation for any actions taken by them in  
517 the performance of their duties under this paragraph.

518 3.a. In actions under chapter 75 to validate any bonds  
519 issued by the corporation, the notice required by s. 75.06 shall  
520 be published ~~only in Leon County and~~ in two newspapers of  
521 general circulation in the state, and the complaint and order of  
522 the court shall be served only on the State Attorney of the  
523 Second Judicial Circuit.

524 b. The state hereby covenants with holders of bonds of the  
525 corporation that the state will not repeal or abrogate the power  
526 of the board to direct the Office of Insurance Regulation to  
527 levy the assessments and to collect the proceeds of the revenues  
528 pledged to the payment of such bonds as long as any such bonds  
529 remain outstanding unless adequate provision has been made for  
530 the payment of such bonds pursuant to the documents authorizing  
531 the issuance of such bonds.

532 4. The bonds of the corporation are not a debt of the

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533 | state or of any political subdivision, and neither the state nor  
534 | any political subdivision is liable on such bonds. The  
535 | corporation does not have the power to pledge the credit, the  
536 | revenues, or the taxing power of the state or of any political  
537 | subdivision. The credit, revenues, or taxing power of the state  
538 | or of any political subdivision shall not be deemed to be  
539 | pledged to the payment of any bonds of the corporation.

540 |       5.a. The property, revenues, and other assets of the  
541 | corporation; the transactions and operations of the corporation  
542 | and the income from such transactions and operations; and all  
543 | bonds issued under this paragraph and interest on such bonds are  
544 | exempt from taxation by the state and any political subdivision,  
545 | including the intangibles tax under chapter 199 and the income  
546 | tax under chapter 220. This exemption does not apply to any tax  
547 | imposed by chapter 220 on interest, income, or profits on debt  
548 | obligations owned by corporations other than the Florida  
549 | Hurricane Catastrophe Fund Finance Corporation.

550 |       b. All bonds of the corporation shall be and constitute  
551 | legal investments without limitation for all public bodies of  
552 | this state; for all banks, trust companies, savings banks,  
553 | savings associations, savings and loan associations, and  
554 | investment companies; for all administrators, executors,  
555 | trustees, and other fiduciaries; for all insurance companies and  
556 | associations and other persons carrying on an insurance  
557 | business; and for all other persons who are now or may hereafter  
558 | be authorized to invest in bonds or other obligations of the  
559 | state and shall be and constitute eligible securities to be  
560 | deposited as collateral for the security of any state, county,

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561 municipal, or other public funds. This sub-subparagraph shall be  
562 considered as additional and supplemental authority and shall  
563 not be limited without specific reference to this sub-  
564 subparagraph.

565 6. The corporation and its corporate existence shall  
566 continue until terminated by law; however, no such law shall  
567 take effect as long as the corporation has bonds outstanding  
568 unless adequate provision has been made for the payment of such  
569 bonds pursuant to the documents authorizing the issuance of such  
570 bonds. Upon termination of the existence of the corporation, all  
571 of its rights and properties in excess of its obligations shall  
572 pass to and be vested in the state.

573 Section 12. Section 253.52, Florida Statutes, is amended  
574 to read:

575 253.52 Placing oil and gas leases on market by board.—  
576 Whenever in the opinion of the Board of Trustees of the Internal  
577 Improvement Trust Fund there shall be a demand for the purchase  
578 of oil and gas leases on any area, tract, or parcel of the land  
579 so owned, controlled, or managed, by any state board,  
580 department, or agency, then the board shall place such oil and  
581 gas lease or leases on the market in such blocks, tracts, or  
582 parcels as it may designate. The lease or leases shall only be  
583 made after notice by publication thereof has been made not less  
584 than once a week for 4 consecutive weeks in a newspaper of  
585 general circulation ~~published in Leon County, and in a similar~~  
586 ~~newspaper for a similar period of time~~ published in the vicinity  
587 of the lands offered to be leased, the last publication ~~in both~~  
588 ~~newspapers~~ to be not less than 5 days in advance of the sale

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589 date. Such notice shall be to the effect that a lease or leases  
590 will be offered for sale at such date and time as may be named  
591 in said notice and shall describe the land upon which such  
592 lease, or leases, will be offered. This notice may be combined  
593 with the notice required pursuant to s. 253.115. Before any  
594 lease of any block, tract, or parcel of land, submerged, or  
595 unsubmerged, within a radius of 3 miles of the boundaries of any  
596 incorporated city, or town, or within such radius of any bathing  
597 beach, or beaches, outside thereof, such board, department, or  
598 agency, shall through one or more of its members hold a public  
599 hearing, after notice thereof by publication once in a newspaper  
600 of general circulation published at least 1 week prior to said  
601 hearing in the vicinity of the land, or lands, offered to be  
602 leased, of the offer to lease the same, calling upon all  
603 interested persons to attend said hearing where they would be  
604 given the opportunity to be heard, all of which shall be  
605 considered by the board prior to the execution of any lease or  
606 leases to said land, and the board may withdraw said land, or  
607 any part thereof, from the market, and refuse to execute such  
608 lease or leases if after such hearing, or otherwise, it  
609 considers such execution contrary to the public welfare. Before  
610 advertising any land for lease the form of the lease or leases  
611 to be offered for sale, not inconsistent with law, or the  
612 provisions of this section, shall be prescribed by the board and  
613 a copy, or copies, thereof, shall be available to the general  
614 public at the office of the Board of Trustees of the Internal  
615 Improvement Trust Fund and the advertisements of such sale shall  
616 so state.

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617 Section 13. Paragraph (b) of subsection (4) of section  
618 255.518, Florida Statutes, is amended to read:

619 255.518 Obligations; purpose, terms, approval,  
620 limitations.—

621 (4)

622 (b) In actions to validate such obligations pursuant to  
623 chapter 75, the complaint shall be filed in the Circuit Court of  
624 Leon County, the notice required by s. 75.06, shall be published  
625 ~~only in Leon County and~~ in two newspapers of general circulation  
626 in the state, and the complaint and order of the court shall be  
627 served only on the state attorney of the Second Judicial  
628 Circuit.

629 Section 14. Paragraph (b) of subsection (4) of section  
630 380.0668, Florida Statutes, is amended to read:

631 380.0668 Bonds; purpose, terms, approval, limitations.—  
632 (4)

633 (b) In actions to validate such bonds pursuant to chapter  
634 75, the complaint shall be filed in the Circuit Court of Leon  
635 County, the notice required by s. 75.06 shall be published in  
636 newspapers of general circulation in ~~Leon County and~~ the county  
637 in which the area or areas of critical state concern involved  
638 are located, and the complaint and order of the court shall be  
639 served on the state attorney of the Second Judicial Circuit and  
640 the circuit in which the area or areas of critical state concern  
641 involved are located.

642 Section 15. Paragraph (b) of subsection (3) of section  
643 455.275, Florida Statutes, is amended to read:

644 455.275 Address of record.—

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645 (3)  
646 (b) If service, as provided in paragraph (a), does not  
647 provide the department with proof of service, the department  
648 shall call the last known telephone number of record and cause a  
649 short, plain notice to the licensee to be posted on the front  
650 page of the department's website and shall send notice via e-  
651 mail to all newspapers of general circulation and all news  
652 departments of broadcast network affiliates in the county of the  
653 licensee's last known address of record ~~published once each week~~  
654 ~~for 4 consecutive weeks in a newspaper published in the county~~  
655 ~~of the licensee's last known address of record. If a newspaper~~  
656 ~~is not published in the county, the administrative complaint may~~  
657 ~~be published in a newspaper of general circulation in the~~  
658 ~~county. If the licensee's last known address is located in~~  
659 ~~another state or in a foreign jurisdiction, the administrative~~  
660 ~~complaint may be published in Leon County pursuant to s.~~  
661 ~~120.60(5).~~

662 Section 16. Subsection (5) of section 473.3141, Florida  
663 Statutes, is amended to read:

664 473.3141 Certified public accountants licensed in other  
665 states.—

666 (5) Disciplinary action against an individual or firm that  
667 practices pursuant to this section is not valid unless, prior to  
668 the entry of a final order, the agency has served, by personal  
669 service pursuant to this chapter or chapter 48 or by certified  
670 mail, an administrative complaint that provides reasonable  
671 notice to the individual or firm of facts or conduct that  
672 warrants the intended action and unless the individual or firm



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673 | has been given an adequate opportunity to request a proceeding  
 674 | pursuant to ss. 120.569 and 120.57. ~~When personal service cannot~~  
 675 | ~~be made and the certified mail notice is returned undelivered,~~  
 676 | ~~the agency shall have a short, plain notice to the individual or~~  
 677 | ~~firm with practice privileges published once a week for 4~~  
 678 | ~~consecutive weeks in a newspaper published in Leon County,~~  
 679 | ~~Florida. The newspaper shall meet the requirements prescribed by~~  
 680 | ~~law for such purposes.~~

681 |         Section 17. Paragraph (b) of subsection (5) of section  
 682 | 527.23, Florida Statutes, is amended to read:

683 |             527.23 Marketing orders; referendum requirements;  
 684 | assessments.—

685 |             (5)

686 |             (b) It is the duty of the producers or dealers of propane  
 687 | gas who vote in each referendum to send their marked ballots to  
 688 | the department, which shall have the ballots counted by  
 689 | qualified and impartial personnel in its office, and the  
 690 | department shall, within 10 days after the closing date for  
 691 | submitting ballots in any referendum, certify in writing and  
 692 | publish the results of such referendum on the front page of  
 693 | their website and shall send notice via e-mail to all  
 694 | publications of general circulation and all news departments of  
 695 | broadcast network affiliates located within the state ~~in a~~  
 696 | ~~newspaper of general circulation in the state and in such other~~  
 697 | ~~newspapers as the department prescribes.~~

698 |         Section 18. Subsection (2) of section 573.109, Florida  
 699 | Statutes, is amended to read:

700 |             573.109 Procedure for referendum.—

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701           (2) It shall be the duty of the producers or handlers  
702 affected who vote in each referendum to send their marked  
703 ballots to the department, which shall have the ballots counted  
704 by qualified and impartial personnel in its office, and the  
705 department shall, within 10 days after the closing date for  
706 submitting ballots in any referendum, certify in writing and  
707 publish the results of such referendum on the front page of  
708 their website and shall send notice via e-mail to all  
709 publications of general circulation and all news departments of  
710 broadcast network affiliates located within the state ~~in a~~  
711 ~~newspaper of general circulation in the state and in such other~~  
712 ~~newspapers as the department may prescribe.~~

713           Section 19. Section 573.111, Florida Statutes, is amended  
714 to read:

715           573.111 Notice of effective date of marketing order.—  
716 Before the issuance of any marketing order, or any suspension,  
717 amendment, or termination thereof, a notice shall be posted on a  
718 public bulletin board to be maintained by the department in the  
719 Division of Marketing and Development of the department in the  
720 Nathan Mayo Building, Tallahassee, Leon County, and a copy of  
721 the notice shall be posted on the department website ~~published~~  
722 ~~in a newspaper of general circulation in the state and in such~~  
723 ~~other newspaper or newspapers as the department may prescribe.~~  
724 ~~The notices published in the newspaper or newspapers shall be~~  
725 ~~sent by first-class mail, by the department to those newspapers~~  
726 ~~designated by it, the same date that the notice is posted on the~~  
727 ~~bulletin board with instructions to publish the same as a legal~~  
728 ~~advertisement the first date after receipt of the notice as such~~

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729 ~~newspaper's policy for publishing legal advertisements provides.~~  
730 No marketing order, or any suspension, amendment, or termination  
731 thereof, shall become effective until the termination of a  
732 period of 5 days from the date of posting and publication.

733 Section 20. Subsection (2) of section 631.59, Florida  
734 Statutes, is amended to read:

735 631.59 Duties and powers of department and office.—

736 (2) The department may require that the association notify  
737 the insureds of the insolvent insurer and any other interested  
738 parties of the determination of insolvency and of their rights  
739 under this part. Such notification shall be by mail at their  
740 last known addresses, when available, but if sufficient  
741 information for notification by mail is not available, notice by  
742 e-mail or telephone ~~publication in a newspaper of general~~  
743 ~~circulation~~ shall be sufficient.

744 Section 21. Except as otherwise expressly provided in this  
745 act, this act shall take effect July 1, 2012, and shall apply to  
746 legal notices that must be published on or after that date.