

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Judiciary

CS/HB 35 — Legal Notices

by Judiciary Committee and Reps. Fine, Fischer, and others (CS/CS/SB 402 by Appropriations Committee; Judiciary Committee; and Senator Rodrigues)

The bill provides an option for governmental agencies required by law to publish certain legal notices to publish those notices on a newspaper’s website in lieu of a paper-based publication. An agency wishing to exercise this option may only do so upon the agency finding, pursuant to a publicly noticed hearing, that such an Internet-based publication is in the public interest and that residents have sufficient access to the Internet in order to review any legal notices published in this format. This determination must be made by a majority vote of the governing body.

If a governmental agency exercises the option to publish legal notices on a newspaper website, the agency must provide an additional notice at least once per week in a print edition newspaper of general circulation. This notice must contain a statement that legal notices pertaining to the agency do not all appear in the print edition of the local newspaper and that a full listing may be accessed on the statewide legal notice website located at the website managed by the Florida Press Association.

The bill expands the types of publications that qualify to publish legal notices. Currently, a newspaper must, among other requirements, be “for sale to the general public” and be qualified to be admitted and entered as a periodical matter the local post office. By removing these two requirements, the bill will allow for legal notices to be published in some smaller publications that are free to the public.

The bill requires the Florida Press Association to ensure that minority populations throughout the state have equitable access to legal notices that are posted on the statewide website. Additionally, the association must publish a quarterly report with the following information:

- A list of all newspapers that placed notices on the statewide legal notices website;
- The number of unique visitors to the statewide legal notices website;
- The number of legal notices published in print;
- The number of legal notices published by Internet-only publication; and
- The statutory criteria that qualified each newspaper to publish legal notices and advertisements.

If approved by the Governor, these provisions take effect July 1, 2022.

Vote: Senate 39-0; House 105-9