

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Committee

BILL: SPB 7204

INTRODUCER: For consideration by the Budget Committee

SUBJECT: Effective Public Notices by Governmental Entities

DATE: March 29, 2011                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Martin	Meyer, C.		<b>Pre-meeting</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

[This staff analysis is written to the strike-all amendment to be offered in Budget Committee.]

This bill requires the Department of State to establish and maintain a centralized internet website for the posting of state and local government notices and advertisements, to be provided to the public without charge, which permits the public to: (a) search notices by geographic name, type, or publication date; (b) search a permanent database that archives all notices published on the website; and (c) subscribe to an automated e-mail notification of selected notice types. This bill provides circumstances under which a governmental entity may use its official website for legally required advertisements and public notices. The bill requires counties and municipalities that post their notices and advertisements on their official websites to also publish on the Department of State website. Local governments must post on these internet websites if the public has free internet access at a public library within the jurisdictional boundaries of the county or municipality and if the local government provides notice to its residents once per year that the residents may request all legally required notices and advertisements to be sent to them by first-class mail or by email.

This bill creates two unnumbered sections of Florida Statutes, creates section 50.0311, Florida Statutes, and substantially amends the following sections of the Florida Statutes: 50.011, 50.021, 50.051, 50.061, 100.342, 125.66, 129.03, 129.06, 153.79, 159.32, 162.12, 163.3184, 166.041, 170.05, 170.07, 180.24, 197.3632, 200.065, 255.0525, 380.06, 403.7049, 403.979, and 420.9075.

## II. Present Situation:

Various provisions of law, discussed below, govern the publication of legal notices and advertisements.

### **Where and in what language legal notices to be published.**

Section 50.011, Florida Statutes, provides that whenever notice publication in a newspaper is required, it must be published in a newspaper printed and published periodically once a week or oftener, containing at least 25 percent of its words in the English language, entered or qualified to be admitted and entered as periodicals matter at a post office in the county where published, for sale to the public generally, available to the public generally for the publication of official or other notices and customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public.

### **Publication when no newspaper in county.**

Section 50.021, Florida Statutes, provides that when any law, or order or decree of court, directs advertisements to be made in any county and there be no newspaper published in the said county, the advertisement may be made by posting three copies thereof in three different places in said county, one of which shall be at the front door of the courthouse, and by publication in the nearest county in which a newspaper is published.

### **Proof of publication; form of uniform affidavit.**

Section 50.051, Florida Statutes, establishes the printed form upon which all affidavits establishing proof of publication in a newspaper are to be executed.

### **Amounts chargeable for official notices and advertisements published in a newspaper.**

Subsection (4) of section 50.061, Florida Statutes, provides that all official public notices and legal advertisements published in a newspaper shall be charged and paid for on the basis of 6-point type on 6-point body, unless otherwise specified by statute.

### **Special election or referendum - notice.**

Section 100.342, Florida Statutes, provides that in any special election or referendum not otherwise provided for there shall be at least 30 days' notice of the election or referendum by publication in a newspaper of general circulation in the county, district, or municipality. The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held. If there is no newspaper of general circulation in the county, district, or municipality the notice shall be posted in no fewer less than five places within the territorial limits of the county, district, or municipality.

### **County Ordinances; enactment procedure – notice.**

Section 125.66, Florida Statutes, provides, in part, that the board of county commissioners at any regular or special meeting may enact or amend any ordinance if notice of intent to consider such ordinance is given at least 10 days prior to said meeting by publication in a newspaper of general circulation in the county. In cases in which the proposed ordinance or resolution changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or

more, the required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the county and of general interest and readership in the community pursuant to chapter 50, not one of limited subject matter.

**Preparation and adoption of county budget - notice.**

Section 129.03, Florida Statutes, provides, in part, that the board of county commissioners shall prepare a statement summarizing all of the adopted tentative budgets and shall cause this summary statement to be advertised one time in a newspaper of general circulation published in the county, or by posting at the courthouse door if there is no such newspaper.

**Execution and amendment of county budget - notice.**

Section 129.06, Florida Statutes, provides, in part, that the board of county commissioners at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, following a public hearing that must be advertised at least 2 days, but not more than 5 days, before the date of the hearing in a newspaper of paid general circulation.

**Contracts for county water and sewer system district construction - notice.**

Section 153.79, Florida Statutes, provides that all county water and sewer system district contracts, if the amount exceeds \$1,000, shall be awarded only after public advertisement and call for sealed bids in a newspaper published in the county circulating in the district, or, if there is no such newspaper, then in a newspaper published in the state and circulating in the district. Such advertisement must be published at least once at least 3 weeks before the date set for the receipt of such bids.

**Construction contracts for Florida Industrial Development Financing Act projects - notice.**

Section 159.32, Florida Statutes, provides that construction contracts for Florida Industrial Development Financing Act projects may be awarded by the local agency in such manner as in its judgment will best promote free and open competition, including advertisement for competitive bids in a newspaper of general circulation within the boundaries of the local agency; however, the local agency in its discretion may award contracts for the construction of any project upon a negotiated basis as determined by the local agency.

**Code enforcement board notices.**

Section 162.12, Florida Statutes, provides that, at the option of the code enforcement board, notice may be served by publication or posting once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper of general circulation 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.

**Comprehensive plan amendment public hearing notices.**

Section 163.3184, Florida Statutes, provides that the local governing body shall hold at least two advertised public hearings on proposed comprehensive plan amendments, with the first public

hearing held at least 7 days after the day that the first advertisement is published, and the second public hearing held at least 5 days after the day that the second advertisement is published. Prior to its execution of a compliance agreement, the local government must approve the compliance agreement at a public hearing advertised at least 10 days before the public hearing in a newspaper of general circulation in the area in accordance with specified advertisement requirements.

**Municipal ordinance adoption notices.**

Section 166.041, Florida Statutes, provides procedures for adoption of municipal ordinances and resolutions. A proposed ordinance, at least 10 days prior to adoption, must be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment must include specified information.

In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall hold two advertised public hearings on the proposed ordinance. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing. The size and content of the required newspaper advertisements is specified. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality and of general interest and readership in the municipality, not one of limited subject matter, pursuant to chapter 50. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance.

**Municipal public improvements financed by special assessments – notice.**

Section 170.05, Florida Statutes, requires a municipality to publish a resolution relating to public improvements financed by special assessments one time in a newspaper of general circulation published in said municipality, and if there be no newspaper published in said municipality, the municipality shall cause said resolution to be published once a week for a period of 2 weeks in a newspaper of general circulation published in the county in which said municipality is located.

Section 170.07, Florida Statutes, provides that, upon the completion of a preliminary assessment roll, the municipality shall by resolution fix a time and place at which the owners of the property to be assessed or any other persons interested therein may appear before the governing authority and be heard. Thirty days' notice in writing of such time and place shall be given to such property owners. Notice of the time and place of such hearing shall also be given by two publications a week apart in a newspaper of general circulation in the municipality and if there be no newspaper published in said municipality, the governing authority shall cause the notice to be published in like manner in a newspaper of general circulation published in the county in which the municipality is located; provided that the last publication shall be at least 1 week prior to the date of the hearing.

**Municipality construction contracts for utilities – notice.**

Section 180.24, Florida Statutes, provides that construction contracts for construction of utilities or extensions to a previously constructed utility in excess of \$25,000 shall be advertised by the municipality in a newspaper of general circulation in the county in which said municipality is located at least once each week for 2 consecutive weeks, or by posting three notices in three conspicuous places in said municipality, one of which shall be on the door of the city hall; and that at least 10 days shall elapse between the date of the first publication or posting of such notice and the date of receiving bids and the execution of such contract documents. (For municipal construction projects identified in s. 255.0525, F.S., the notice provision of that section supersedes and replaces the notice provisions in this section.)

**Local government intent to use the uniform method of collecting non-ad valorem assessments -notice.**

Section 197.3632, Florida Statutes, requires a local government which is authorized to impose a non-ad valorem assessment and which elects to use the uniform method of collecting such assessment for the first time to adopt a resolution at a public hearing prior to January 1 or, if the property appraiser, tax collector, and local government agree, March 1. The local government shall publish notice of its intent to use the uniform method for collecting such assessment weekly in a newspaper of general circulation within each county contained in the boundaries of the local government for 4 consecutive weeks preceding the hearing.

**Taxing authority's intent to adopt millage rate and budget – notice.**

Section 200.065, Florida Statutes, provides that no taxing authority's millage shall be levied until a resolution or ordinance has been approved by the governing board of the taxing authority. Within 15 days after the meeting adopting the tentative budget, the taxing authority shall advertise in a newspaper of general circulation in the county its intent to finally adopt a millage rate and budget. A public hearing to finalize the budget and adopt a millage rate shall be held not less than 2 days nor more than 5 days after the day that the advertisement is first published. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county or in a geographically limited insert of such newspaper. The geographic boundaries in which such insert is circulated shall include the geographic boundaries of the taxing authority. In the event that the mailing of the notice of proposed property taxes is delayed beyond September 3 in a county, any multicounty taxing authority which levies ad valorem taxes within that county shall advertise its intention to adopt a tentative budget and millage rate in a newspaper of paid general circulation within that county, and shall hold a public hearing not less than 2 days or more than 5 days thereafter, and not later than September 18. If the notice of proposed property taxes mailed to taxpayers under this section contains an error, and the error involves only the date and time of the public hearings required by this section, the property appraiser, with the permission of the taxing authority affected by the error, may correct the error by advertising the corrected information in a newspaper of general circulation in the county.

**Local government solicitation of bids for construction projects – notice.**

Section 255.0525, Florida Statutes, provides that the solicitation of competitive bids or proposals for any county, municipality, or other political subdivision construction project that is projected to cost more than \$200,000 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least 21 days prior to the established bid

opening and at least 5 days prior to any scheduled prebid conference. The solicitation of competitive bids or proposals for any county, municipality, or other political subdivision construction project that is projected to cost more than \$500,000 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference. Bids or proposals shall be received and opened at the location, date, and time established in the bid or proposal advertisement.

**Local government development of regional impact public hearing notices.**

Section 380.06, Florida Statutes, requires a local government to schedule a public hearing within 60 days after receipt of a petition from a developer for authorization to submit a proposed areawide development of regional impact for a defined planning area. The public hearing shall be advertised at least 30 days prior to the hearing. In addition to the public hearing notice by the local government, the petitioner, except when the petitioner is a local government, shall provide actual notice to each person owning land within the proposed areawide development plan at least 30 days prior to the hearing. If the petitioner is a local government, or local governments pursuant to an interlocal agreement, notice of the public hearing shall be provided by the publication of an advertisement in a newspaper of general circulation. The advertisement shall not be published in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement must appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published less than 5 days a week. The advertisement must be in substantially the form used to advertise amendments to comprehensive plans pursuant to s. 163.3184. If more than one local government has jurisdiction over the defined planning area in an areawide development plan, the local governments shall hold a joint public hearing. The local government holding the joint hearing shall publish notice of the hearing at least 60 days in advance of the hearing and shall specify where the petition may be reviewed.

**County and municipal solid waste management cost disclosure.**

Section 403.7049, Florida Statutes, requires each municipality to establish a system to inform, no less than once a year, residential and nonresidential users of solid waste management services within the municipality's service area of the user's share, on an average or individual basis, of the full cost for solid waste management. Counties shall provide the information required of municipalities only to residential and nonresidential users of solid waste management services within the county's service area that are not served by a municipality.

**Expedited permitting and amendments to comprehensive plans – “duly noticed”.**

Section 403.973, Florida Statutes, requires local governments to hold a duly noticed public workshop to review and explain to the public the expedited permitting process and the terms and conditions of the memorandum of agreement with the Secretary of the Department of Environmental Protection for economic development projects. The local government shall also hold a duly noticed public hearing to execute a memorandum of agreement for each qualified project, and at the option of the local government, the workshop may be conducted on the same date as the public hearing to execute the memorandum of agreement.

The term “duly noticed” is defined to mean publication in a newspaper of general circulation in the municipality or county with jurisdiction. The notice shall appear on at least 2 separate days, one of which shall be at least 7 days before a meeting. The notice shall state the date, time, and place of the meeting scheduled to discuss or enact the memorandum of agreement, and the places within the municipality or county where such proposed memorandum of agreement may be inspected by the public. The notice must be published in a portion of the paper other than the legal notices section. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the memorandum of agreement.

**State Housing Initiatives Partnership Program - local housing assistance plans - notice of funding availability.**

Section 420.9075, Florida Statutes, requires each county or eligible municipality or its administrative representative to advertise the notice of funding availability for local housing assistance plans under the State Housing Initiatives Partnership Act in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods, at least 30 days before the beginning of the application period. If no funding is available due to a waiting list, no notice of funding availability is required.

**III. Effect of Proposed Changes:**

This bill requires the Department of State to establish and maintain a centralized internet website for the posting of state and local government notices and advertisements.

Section 1 creates Section 50.0311, Florida Statutes. For purposes of notices and advertisements required by statute to be published by a local government, the term “publicly accessible website” is defined as a county or municipal government’s official website that is accessible via the Internet, and the term “state notice website” is defined as the Department of State website for publication of local government notices and advertisements.

A local government must use its website and the Department of State website for legally required advertisements and public notices if:

- A public library or other governmental facility providing free access to the Internet during regular business hours exists within the jurisdictional boundaries of such county or municipality;
- The local government provides notice to its residents at least once per year in a newspaper of general circulation, the county or municipality’s newsletter or periodical, or another publication that is mailed or delivered to all residents or property owners throughout the local government’s jurisdiction, indicating that residents may receive legally required advertisements and public notices from the local government by first-class mail or e-mail upon registering their name and address or e-mail address with the local governmental entity; and
- The local government maintains a registry of names, addresses, and e-mail addresses of residents who request in writing that they receive legally required advertisements and public notices from the local government by first-class mail or e-mail.

Advertisements and public notices published on a publicly accessible website shall be conspicuously placed on the website's homepage or accessible through a direct link from the homepage. The advertisement shall indicate the date on which the advertisement was first published on the publicly accessible website.

The local government that has a government access channel authorized under s. 610.109, F.S., may also include on its government access channel a summary of all advertisements and public notices that are published on the state notice website and its website.

The following sections of the bill authorize notices and advertisements to be made on the state and local websites for various required notices:

Section 2 amends section 50.011, Florida Statutes, relating to where and in what language legal notices to be published, to provide that, notwithstanding any provisions to the contrary, and as specifically authorized by s. 50.0311, a notice, advertisement, or publication on the state notice website and a publicly accessible website of a local government in accordance with s. 50.0311 constitutes legal notice.

Section 3 amends section 50.021, Florida Statutes, relating to publication when no newspaper in county, to authorize a county or municipality to publish an advertisement on the state notice website and a publicly accessible website maintained by the entity responsible for publication in lieu of posting three copies thereof in three different places in the county.

Section 4 amends section 50.051, Florida Statutes relating to proof of publication and form of uniform affidavit, to specify that the statute section applies to proof of publication in a newspaper.

Section 5 amends section 50.061, Florida Statutes, relating to amounts chargeable for official notices and advertisements published in a newspaper, to specify that the statute section applies to legal advertisements published in a newspaper.

Section 6 amends section 100.342, Florida Statutes, relating to special election or referendums, to provide that, in the case of a county or municipality, publication on the state notice website and a publicly accessible website maintained by the local government responsible for publication and published daily during the 5 weeks immediately preceding the election or referendum may be in lieu of the specified newspaper notice. If there is no newspaper of general circulation in the county, district, or municipality and publication is not made on the state notice website for publication of local government notices and advertisements and a publicly accessible website maintained by the local government responsible for publication, the notice must be posted as specified in current law.

Section 7 amends section 125.66, Florida Statutes, relating to county ordinance enactment procedures, to provide that notices may be published on the state notice website for publication of local government notices and advertisements and a publicly accessible website maintained by the county or by publication in a newspaper of general circulation in the county. If advertised on



the state notice website and a publicly accessible website, the advertisement shall be published daily during the 10 days immediately preceding the meeting.

Section 8 amends section 129.03, Florida Statutes, relating to preparation and adoption of county budgets, to provide that notices shall be published on the state notice website and a publicly accessible website maintained by the county, or in a newspaper or by posting as per current law.

Section 9 amends section 129.06, Florida Statutes, relating to execution and amendment of county budgets, to provide that public hearing advertisements must appear on the state notice website and a publicly accessible website maintained by the county, or in a newspaper as per current law. If advertised on the state notice website and a publicly accessible website, the notice must be published daily during the 5 days immediately preceding the hearing.

Section 10 amends section 153.79, Florida Statutes, relating to contracts for county water and sewer system district construction, to provide that advertisements shall be on the state notice website and a publicly accessible website maintained by the county, or in a newspaper as per current law. If advertised on the state notice website and a publicly accessible website, such advertisement shall be published daily during the 3 weeks immediately preceding the date set for the receipt of bids.

Section 11 amends section 159.32, Florida Statutes, relating to construction contracts for Florida Industrial Development Financing Act projects, to provide advertisements for competitive bids may be published on the state notice website and a publicly accessible website maintained by the county.

Section 12 amends section 162.12, Florida Statutes, relating to code enforcement boards, to provide for notices to be made on the state notice website and a publicly accessible website maintained by the local government daily during the 4 weeks immediately preceding the hearing, or in a newspaper as per current law.

Section 13 amends section 163.3184, Florida Statutes, relating to comprehensive plan amendments, to provide for public hearing notices to be made on the state notice website and a publicly accessible website maintained by the local government daily during the 10 days immediately preceding the hearing, or in a newspaper as per current law.

Section 14 amends section 166.041, Florida Statutes, relating to municipal ordinance adoptions, to provide that ordinances and resolutions must be noticed daily during the 10 days immediately preceding the adoption on the state notice website and a publicly accessible website maintained by the municipality, or in a newspaper as per current law.

Section 15 amends section 170.05, Florida Statutes, relating to municipal public improvements financed by special assessments, to provide that the municipality shall cause resolutions to be published on the state notice website and a publicly accessible website maintained by the municipality, or in a newspaper as per current law.

Section 16 amends section 170.07, Florida Statutes, relating to preliminary assessment rolls for municipal public improvements financed by special assessments, to provide that the municipality

publish notice of the public hearing daily for 2 weeks on the state notice website and a publicly accessible website maintained by the municipality, or in a newspaper as per current law.

Section 17 amends section 180.24, Florida Statutes, relating to municipality construction contracts for utilities, in excess of \$25,000, to provide that the municipality publish notice of the public hearing daily for 2 weeks on the state notice website and a publicly accessible website maintained by the municipality, or in a newspaper as per current law.

Section 18 amends section 197.3632, Florida Statutes, relating to local government intent to use the uniform method of collecting non-ad valorem assessments, to provide that a county or municipality shall publish notice of its intent to use the uniform method for collecting such assessment daily during the 4 consecutive weeks immediately preceding the hearing on the state notice website and a publicly accessible website maintained by the county or municipality.

Section 19 amends section 200.065, Florida Statutes, relating to a taxing authority's method of fixing millage, to provide that a county or municipality may advertise on the state notice website and its publicly accessible website its intent to finally adopt a millage rate and budget, and shall maintain the notice on the state notice website and its website until completion of the hearing, or may notice in a newspaper as per current law. If the mailing of the notice of proposed property taxes is delayed beyond September 3 in a county, and any multicounty taxing authority which levies ad valorem taxes within that county advertise its intention to adopt a tentative budget and millage rate on the websites, the required public hearing shall be held not less than 2 days after initial publication of the advertisement on the state notice website and the publicly accessible website maintained by the taxing authority and not later than September 18, and shall remain on the publicly accessible website until the date of the hearing.

Section 20 amends section 255.0525, Florida Statutes, relating to local government advertising for competitive bids or proposals. For bids projected to cost more than \$200,000, bids may be advertised daily during the 21-day period immediately preceding the established bid opening date and daily during the 5-day period immediately preceding any scheduled prebid conference on the state notice website and a publicly accessible website maintained by the entity responsible for publication, or in a newspaper as per current law. Competitive bids or proposals projected to cost more than \$500,000 shall be publicly advertised daily during the 30-day period immediately preceding the established bid opening date and daily during the 5-day period immediately preceding any scheduled prebid conference on the state notice website and a publicly accessible website, or in a newspaper as per current law.

Section 21 amends section 380.06, Florida Statutes, relating to local government development of regional impacts, to provide that a local government may advertise a public hearing on a petition from a developer for authorization to submit a proposed areawide development of regional impact on the state notice website and a publicly accessible website maintained by the county or municipality responsible for publication, or in a newspaper as per current law.

Section 22 amends section 403.7049, Florida Statutes, relating to county and municipal cost for solid waste management, to provide that the public disclosure system requirements of the statute section shall be fulfilled by meeting one of the following:

1. By mailing a copy of the full cost information to each residential and nonresidential user of solid waste management service within the solid waste management service area of the county or municipality;
2. By enclosing a copy of the full cost information in or with a bill sent to each residential and nonresidential user of solid waste management services within the service area of the county or municipality;
3. By publishing a copy of the full cost information in a newspaper of general circulation within the county. Such notice shall be a display advertisement not less than one-quarter page in size; or
4. By advertising a copy of the full cost information daily for at least two consecutive weeks on the state notice website and a publicly accessible website maintained by the municipality.

Section 23 amends section 403.973, Florida Statutes, relating to expedited permitting and amendments to comprehensive plans, to provide that “duly noticed” means publication on the state notice website and a publicly accessible website maintained by the municipality or county having jurisdiction, or in a newspaper of general circulation in the municipality or county having jurisdiction. If published in a newspaper, the notice shall appear on at least 2 separate days, one of which shall be at least 7 days before the meeting. If published on the state notice website and a publicly accessible website, the notice shall appear daily during the 7 days immediately preceding the meeting.

Section 24 amends section 420.9075, Florida Statutes, relating to State Housing Initiatives Partnership Program local housing assistance plans, to provide that each county or eligible municipality or its administrative representative may advertise the notice of funding availability for local housing assistance plans under the State Housing Initiatives Partnership Act daily during the 30 days immediately preceding the application period on the state notice website and a publicly accessible website maintained by the county or eligible municipality, or in a newspaper as per current law.

Section 25 requires the Department of State to establish and maintain a centralized internet website for the posting of local government notices and advertisements, to be provided to the public without charge, which permits the public to:

1. Search notices by geographic name, type, or publication date;
2. Search a permanent database that archives all notices published on the website; and
3. Subscribe to an automated e-mail notification of selected notice types.

Section 26 requires all state agencies to also post their notices and advertisements on the state notice website created and maintained by the Department of State.

Section 27 provides that the act shall take effect October 1, 2011.

**Other Potential Implications:**

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. Other Constitutional Issues:

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The impact of this legislation on the newspaper industry is indeterminate but is likely to be substantial.

## C. Government Sector Impact:

Local governments should experience a net cost savings as a result of no longer having to purchase newspaper advertisements. The Revenue Estimating Impact Conference has not determined the fiscal impact of this bill.

The Department of State (DOS) preliminary estimate of the costs of this bill to the department is contingent upon whether or not government entities will no longer have to pay a per line charge to publish notices in the Florida Administrative Weekly (FAW). A loss of approximately \$100,000 in revenue to the department may occur should the line charge revenue for the FAW be reduced due to lower volume. Since, pursuant to section 120.55(8)(b), Florida Statutes, any excess Records Management Trust Fund revenue in excess of \$300,000 is currently transferred to the General Revenue Fund, a reduction in this trust fund revenue could reduce the revenue to the General Revenue Fund by up to the estimated \$100,000. At the end of the 2010-2011 fiscal year, \$ 95,088 was transferred to the General Revenue Fund.

The DOS also estimates that one-time nonrecurring costs of approximately \$163,000 will be required to provide the programming and equipment for the state notice website.

Another \$146,853 is estimated to be the ongoing recurring costs to maintain and operate the website.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.