

By Senator Latvala

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1 A bill to be entitled
2 An act relating to legal notices; amending s. 50.0211,
3 F.S.; authorizing clerks of court to provide links to
4 legal notices web pages; prohibiting charging a fee or
5 requiring registration for viewing online legal
6 notices; establishing the period for which legal
7 notices are required to be published on the statewide
8 website; requiring that legal notices be archived on
9 the statewide website for a specified period;
10 providing that the printed version of a legal notice
11 prevails if there is a conflict; providing
12 applicability; amending s. 50.061, F.S.; clarifying
13 payment provisions; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 50.0211, Florida Statutes, is amended to
18 read:

19 50.0211 Internet website publication.—

20 (1) This section applies to legal notices that must be
21 published in accordance with this chapter unless otherwise
22 specified.

23 (2) Each legal notice must be posted ~~placed~~ on the
24 newspaper's website on the same day that the printed notice
25 appears in the newspaper, at no additional charge, in a separate
26 web page titled "Legal Notices," "Legal Advertising," or
27 comparable identifying language. A link to the legal notices web
28 page shall be provided on the front page of the newspaper's
29 website that provides access to the legal notices ~~without~~

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30 charge. A clerk of court may provide a link to a newspaper's
31 legal notices web page but is not required to do so.
32 Furthermore, a clerk of court is not required to provide a link
33 to a newspaper's website that publishes legal notices if the
34 clerk's web page where such links are posted identifies the
35 links as a nonexhaustive list of links to legal notices. If
36 there is a specified size and placement required for a printed
37 legal notice, the size and placement of the notice on the
38 newspaper's website ~~must~~ should optimize its online visibility
39 in keeping with the print requirements. The newspaper's web
40 pages that contain legal notices ~~must~~ shall present the legal
41 notices as the dominant and leading subject matter of those
42 pages. The newspaper's website ~~must~~ shall contain a search
43 function to facilitate searching the legal notices. A fee may
44 not be charged, and registration may not be required, for
45 viewing or searching legal notices on a newspaper's website if
46 the legal notice is published in a newspaper ~~This subsection~~
47 ~~shall take effect July 1, 2013.~~

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

53 (b) A legal notice placed on the statewide website created
54 under this subsection must be:

- 55 1. Accessible and searchable by party name and case number.
56 2. Posted for a period of at least 90 consecutive days
57 after the first day of posting.

58 (c) The statewide website created under this subsection

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59 shall maintain a searchable archive of all legal notices posted
60 on the publicly accessible website on or after October 1, 2014,
61 for 18 months after the first day of posting. Such searchable
62 archive shall be provided and accessible to the general public
63 without charge.

64 (4) Newspapers that publish legal notices shall, upon
65 request, provide e-mail notification of new legal notices when
66 they are printed in the newspaper and added to the newspaper's
67 website. Such e-mail notification shall be provided without
68 charge, and notification for such an e-mail registry shall be
69 available on the front page of the legal notices section of the
70 newspaper's website. ~~This subsection shall take effect July 1,~~
71 ~~2013.~~

72 (5) If there is a conflict or difference between a legal
73 notice printed in a newspaper and the version posted on the
74 statewide website, the version printed in the newspaper shall be
75 used for purposes of meeting legal requirements. However, this
76 subsection does not affect the right of a person to relief from
77 a judicial sale based upon an error or omission in a legal
78 notice printed in a newspaper or posted on the statewide website
79 ~~An error in the notice placed on the newspaper or statewide~~
80 ~~website shall be considered a harmless error and proper legal~~
81 ~~notice requirements shall be considered met if the notice~~
82 ~~published in the newspaper is correct.~~

83 Section 2. Subsections (2) and (3) of section 50.061,
84 Florida Statutes, are amended to read:

85 50.061 Amounts chargeable.—

86 (2) The charge for publishing each such official public
87 notice or legal advertisement shall be 70 cents per square inch

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88 for the first insertion and 40 cents per square inch for each
89 subsequent insertion, except that government notices required to
90 be published more than once, the cost of which ~~whose cost~~ is
91 paid for by the government and not paid in advance by or allowed
92 to be recouped from private parties, may not be charged for the
93 second and successive insertions at a rate greater than 85
94 percent of the original rate.

95 (3) Where the regular established minimum commercial rate
96 per square inch of the newspaper publishing such official public
97 notices or legal advertisements is in excess of the rate herein
98 stipulated, said minimum commercial rate per square inch may be
99 charged for all such legal advertisements or official public
100 notices for each insertion, except that government notices
101 required to be published more than once, the cost of which ~~whose~~
102 ~~cost~~ is paid for by the government and not paid in advance by or
103 allowed to be recouped from private parties, may not be charged
104 for the second and successive insertions at a rate greater than
105 85 percent of the original rate.

106 Section 3. This act shall take effect October 1, 2014.