By Senator Brodeur

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A bill to be entitled

An act relating to information dissemination; amending s. 45.031, F.S.; deleting a provision requiring a judicial notice of sale to be published for a specified timeframe on a publicly accessible website; amending s. 50.0311, F.S.; specifying that a governmental agency may use the public website of a county to publish legally required advertisements and public notices if the cost for such publication is not paid by or recovered from a person; creating s. 286.31, F.S.; defining terms; requiring bloggers to register with the Office of Legislative Services or the Commission on Ethics, as applicable, within a specified timeframe; requiring such bloggers to file monthly reports with the appropriate office by a certain date; providing an exception; specifying reporting requirements; authorizing a magistrate to enter a final order determining the reasonableness of circumstances for an untimely filing or a fine amount; requiring that the Legislature and the Commission on Ethics adopt a specified rule; providing penalties for late filing; prohibiting the assessment of a fine for the first time a report is not timely filed, under specified conditions; authorizing bloggers to appeal a fine within a specified timeframe; specifying the appeal process; authorizing bloggers to request that the appropriate office waive the reporting requirement under specified conditions; providing that unpaid fines for a specified timeframe may be recovered

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30 through the courts of this state; providing an
31 effective date.
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33 Be It Enacted by the Legislature of the State of Florida:
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35 Section 1. Subsection (2) of section 45.031, Florida
36 Statutes, is amended to read:
37 45.031 Judicial sales procedure.—In any sale of real or
38 personal property under an order or judgment, the procedures
39 provided in this section and ss. 45.0315-45.035 may be followed
40 as an alternative to any other sale procedure if so ordered by
41 the court.
42 (2) PUBLICATION OF SALE.—Notice of sale shall be published
43 ~~on a publicly accessible website as provided in s. 50.0311 for~~
44 ~~at least 2 consecutive weeks before the sale or~~ once a week for
45 2 consecutive weeks in a newspaper of general circulation, as
46 provided in chapter 50, published in the county where the sale
47 is to be held. The second publication by newspaper shall be at
48 least 5 days before the sale. The notice shall contain:
49 (a) A description of the property to be sold.
50 (b) The time and place of sale.
51 (c) A statement that the sale will be made pursuant to the
52 order or final judgment.
53 (d) The caption of the action.
54 (e) The name of the clerk making the sale.
55 (f) A statement that any person claiming an interest in the
56 surplus from the sale, if any, other than the property owner as
57 of the date of the lis pendens must file a claim before the
58 clerk reports the surplus as unclaimed.

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60 The court, in its discretion, may enlarge the time of the sale.
61 Notice of the changed time of sale shall be published as
62 provided herein.
63 Section 2. Section 50.0311, Florida Statutes, is amended to
64 read:
65 50.0311 Publication of governmental agency advertisements
66 and public notices on a publicly accessible website and
67 governmental access channels.—
68 (1) For purposes of this chapter, the term "governmental
69 agency" means a county, municipality, school board, or other
70 unit of local government or political subdivision in this state.
71 (2) For purposes of notices and advertisements required
72 under s. 50.011, the term "publicly accessible website" means a
73 county's official website or other private website designated by
74 the county for the publication of legal notices and
75 advertisements that is accessible via the Internet. All
76 advertisements and public notices published on a website as
77 provided in this chapter must be in searchable form and indicate
78 the date on which the advertisement or public notice was first
79 published on the website.
80 (3) A governmental agency may use the publicly accessible
81 website of the county in which it lies to publish legally
82 required advertisements and public notices if the cost of
83 publishing advertisements and public notices on such website is
84 less than the cost of publishing advertisements and public
85 notices in a newspaper, and the cost for publication is not to
86 be paid by or recovered from a person.
87 (4) A governmental agency with at least 75 percent of its

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88 population located within a county with a population of fewer
89 than 160,000 may use a publicly accessible website to publish
90 legally required advertisements and public notices only if the
91 governing body of the governmental agency, at a public hearing
92 that has been noticed in a newspaper as provided in this
93 chapter, determines that the residents of the governmental
94 agency have sufficient access to the Internet by broadband
95 service, as defined in s. 364.02, or by any other means, such
96 that publishing advertisements and public notices on a publicly
97 accessible website will not unreasonably restrict public access.
98 (5) A special district spanning the geographic boundaries
99 of more than one county that satisfies the criteria for
100 publishing and chooses to publish legally required
101 advertisements and public notices on a publicly accessible
102 website must publish such advertisements and public notices on
103 the publicly accessible website of each county it spans. For
104 purposes of this subsection, the term “special district” has the
105 same meaning as in s. 189.012.
106 (6) A governmental agency that uses a publicly accessible
107 website to publish legally required advertisements and public
108 notices shall provide notice at least once per year in a
109 newspaper of general circulation or another publication that is
110 mailed or delivered to all residents and property owners
111 throughout the government’s jurisdiction, indicating that
112 property owners and residents may receive legally required
113 advertisements and public notices from the governmental agency
114 by first-class mail or e-mail upon registering their name and
115 address or e-mail address with the governmental agency. The
116 governmental agency shall maintain a registry of names,

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117 addresses, and e-mail addresses of property owners and residents
118 who have requested in writing that they receive legally required
119 advertisements and public notices from the governmental agency
120 by first-class mail or e-mail.
121 (7) A link to advertisements and public notices published
122 on a publicly accessible website shall be conspicuously placed:
123 (a) On the website's homepage or on a page accessible
124 through a direct link from the homepage.
125 (b) On the homepage of the website of each governmental
126 agency publishing notices on the publicly accessible website or
127 on a page accessible through a direct link from the homepage.
128 (8) A governmental agency that has a governmental access
129 channel authorized under s. 610.109 may also include on its
130 governmental access channel a summary of all advertisements and
131 public notices that are published on a publicly accessible
132 website.
133 (9) A public bid advertisement made by a governmental
134 agency on a publicly accessible website must include a method to
135 accept electronic bids.
136 Section 3. Section 286.31, Florida Statutes, is created to
137 read:
138 286.31 Blogger registration and reporting.—
139 (1) As used in this section, the term:
140 (a) "Blog" means a website or webpage that hosts any
141 blogger and is frequently updated with opinion, commentary, or
142 business content. The term does not include the website of a
143 newspaper or other similar publication.
144 (b) "Blogger" means any person as defined in s. 1.01(3)
145 that submits a blog post to a blog which is subsequently

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146 published.
147 (c) "Blog post" is an individual webpage on a blog which
148 contains an article, a story, or a series of stories.
149 (d) "Compensation" includes anything of value provided to a
150 blogger in exchange for a blog post or series of blog posts. If
151 not provided in currency, it must be the fair-market value of
152 the item or service exchanged.
153 (e) "Elected state officer" means the Governor, the
154 Lieutenant Governor, a Cabinet officer, or any member of the
155 Legislature.
156 (f) "Office" means, in the context of a blog post about a
157 member of the Legislature, the Office of Legislative Services
158 or, in the context of a blog post about a member of the
159 executive branch, the Commission on Ethics, as applicable.
160 (2) If a blogger posts to a blog about an elected state
161 officer and receives, or will receive, compensation for that
162 post, the blogger must register with the appropriate office, as
163 identified in paragraph (1)(f), within 5 days after the first
164 post by the blogger which mentions an elected state officer.
165 (3)(a) Upon registering with the appropriate office, a
166 blogger must file monthly reports on the 10th day following the
167 end of each calendar month from the time a blog post is added to
168 the blog, except that, if the 10th day following the end of a
169 calendar month occurs on a Saturday, Sunday, or legal holiday,
170 the report must be filed on the next day that is not a Saturday,
171 Sunday, or legal holiday.
172 (b) If the blogger does not have a blog post on a blog
173 during a given month, the monthly report for that month does not
174 need to be filed.

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175 (c) The blogger must file reports with the appropriate
176 office using the electronic filing system:
177 1. As provided in s. 11.0455 if the blog post concerns an
178 elected member of the Legislature; or
179 2. As provided in s. 112.32155 if the blog post concerns an
180 officer of the executive branch.
181 (d) The reports must include all of the following:
182 1. The individual or entity that compensated the blogger
183 for the blog post.
184 2. The amount of compensation received from the individual
185 or entity, regardless of how the compensation was structured.
186 a. The amount must be rounded to the nearest $10 increment.
187 b. If the compensation is for a series of blog posts or for
188 a defined period of time, the blogger must disclose the total
189 amount to be received upon the first blog post being published.
190 Thereafter, the blogger must disclose the date or dates
191 additional compensation is received, if any, for the series of
192 blog posts.
193 3. The date the blog post was published. If the blog post
194 is part of a series, the date each blog post is published must
195 be included in the applicable report.
196 4. The website and website address where the blog post can
197 be found.
198 (4) Notwithstanding any other law, a magistrate is
199 authorized to enter a final order in determination of the
200 reasonableness of circumstances for an untimely filing of a
201 required report and the amount of a fine, if any.
202 (5) Each house of the Legislature and the Commission on
203 Ethics shall adopt by rule, for application to bloggers, the

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204 same procedure by which lobbyists are notified of the failure to
205 timely file a report and the amount of the assessed fines. The
206 rule must also provide for, but need not be limited to, the
207 following provisions:
208 (a) A fine of $25 per day per report for each day late, not
209 to exceed $2,500 per report.
210 (b) Upon receipt of an untimely filed report, the amount of
211 the fine must be based upon the earlier of the following:
212 1. The date and time that the untimely report is actually
213 received by the office.
214 2. The date and time on the electronic receipt issued
215 pursuant to s. 11.0455 or s. 112.32155.
216 (c) The fine must be paid within 30 days after the notice
217 of payment due is transmitted, unless an appeal is filed with
218 the office. The fine amount must be deposited into:
219 1. If the report in question relates to a post about a
220 member of the Legislature, the Legislative Lobbyist Registration
221 Trust Fund;
222 2. If the report in question relates to a post about a
223 member of the executive branch, the Executive Branch Lobby
224 Registration Trust Fund; or
225 3. If the report in question relates to a post about
226 members of both the Legislature and the executive branch, the
227 lobbyist registration trust funds identified in subparagraphs 1.
228 and 2., in equal amounts.
229 (d) A fine may not be assessed against a blogger the first
230 time a report for which the blogger is responsible is not timely
231 filed. However, to receive this one-time fine waiver, all
232 untimely filed reports for which the blogger remains responsible

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233 for filing must be filed with the office within 30 days after
234 the notice of untimely filing was transmitted to the blogger. A
235 fine must be assessed for any subsequent late-filed reports.
236 (e) The blogger is entitled to appeal a fine, based upon
237 reasonable circumstances surrounding the failure to file by the
238 designated date, by making a written request to the office for a
239 hearing before the magistrate from the Second Judicial Circuit.
240 Any such request must be made within 30 days after the notice of
241 payment due is transmitted to the blogger. The office shall
242 transmit all such timely, written requests to the chief judge of
243 the Second Judicial Circuit along with the evidence the office
244 relied on in assessing the fine. The magistrate, after holding a
245 hearing, shall render a final order, upholding the fine or
246 waiving it in full or in part.
247 (f) A blogger may request that the filing of a report be
248 waived upon good cause shown based on reasonable circumstances.
249 The request must be filed with the office, which may grant or
250 deny the request.
251 (g) Fines that remain unpaid for a period in excess of 100
252 days after final determination are eligible for recovery through
253 the courts of this state.
254 Section 4. This act shall take effect upon becoming a law.

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