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 Committee on Community Affairs

BILL:	CS/CS/SB 380
INTRODUCER:	Community Affairs Committee, Judiciary Committee and Senator Trumbull
SUBJECT:	Legal Notices
DATE:	January 28, 2025 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	**Fav/CS**
2.	Shuler	Fleming	CA	**Pre-meeting**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 380 gives a municipality, the clerk of the circuit court, the tax collector, and a water management district more control over where it may publish advertisements and legal notices. Currently, a county, municipality, school board, or other unit of local government or political subdivision may publish advertisements and legal notices only in a local newspaper or on the official website of their county or other private website designated by the county. Under the bill, municipalities, clerks of the circuit court, tax collectors, and water management districts have the option to publish advertisements and legal notices on their own official websites, a private website they designate, their county's website, a private website designated by the county, or in a local newspaper. Counties, school boards, and an entity referred to as an "other unit of local government or political subdivision" will still be required to publish legal notices and advertisements on a county or county designated website.

The bill retains the requirements of existing law that the advertisements and legal notices posted on a website be in a searchable format, indicate the date of publication, and be more cost effective than publishing them in a newspaper.

The bill also establishes timeframes for publishing items on a website. If a legal notice or advertisement is published on a publicly accessible website, and unless otherwise specified by law, it must be published continuously for 2 weeks if providing notice of the status of a government activity or be continuously published from the date of initial publication through the date of the event or activity.

The bill clarifies application of pre-publication hearing requirements for governmental agencies in counties with small populations.

The bill takes effect July 1, 2026.

II. Present Situation:

Public Notice of Meetings

Article I, s. 24 of the State Constitution requires that all county, municipal, school district, or special district meetings be open and noticed to the public if official acts will be taken or if public business will be discussed or transacted. The State Constitution further authorizes the Legislature to enact laws that govern the enforcement of, and exemptions to, these provisions. The requirements for publishing legal notices and official advertisements are located in ch. 50, F.S.

Publication of Legal Notices and Advertisements

Prior to 2023, legal notices and advertisements were required by statute to be published in local newspapers or on the websites of newspapers. However, the Legislature enacted legislation that took effect on January 1, 2023, which permitted certain governmental agencies the option to publish those items on its county's official website or another website designated by the county.[1]

These advertisements, for example, include the notices that a tax collector must publish in a local newspaper on November 1 or soon thereafter, stating that the tax roll is open for collection.[2] Once personal property taxes become delinquent, a tax collector must publish a list of the delinquent tax payers and the amount due.[3] A tax collector must also advertise the sale of tax certificates on real property which has delinquent taxes due. The advertisements for the sale of tax certificates must be placed in a newspaper once a week for 3 weeks.[4]

Definitions and Key Provisions of Existing Law

The term "governmental agency," for purposes of ch. 50, F.S., "means a county, municipality, school board, or other unit of local government or political subdivision in the state."[5] If a governmental agency is authorized by ch. 50, F.S., to publish an advertisement or legal notice on a website instead of a newspaper, the website must be a "publicly accessible website." These websites are limited to a county's official website or other private website that the county has designated for publishing legal notices and advertisements. It must be Internet accessible. The advertisements and legal notices posted there must be in searchable form and indicate the date when the advertisement or public notice was first published on the website.[6] However, the cost

[1] *See* ch. 2022-103, Laws of Fla.
[2] Section 197.322(2), F.S.
[3] Section 197.402(2), F.S.
[4] Section 197.402(3), F.S.
[5] Section 50.0311(1), F.S.
[6] Section 50.0311(2), F.S.

of publishing advertisements and legal notices that may be posted on a website must be less than the cost of publishing those items in a newspaper.[7]

If a governmental agency has at least 75 percent of its population located in a county with fewer than 160,000 residents, it may use a publicly accessible website to publish any required advertisements and legal notices. To do so, however, the governing body of the governmental agency must have first placed a notice in an appropriate newspaper and then held a public hearing and determined that the residents have sufficient access to the Internet such that publishing the items will not unreasonably restrict public access.[8]

Clerks of the Circuit Court

The State Constitution mandates that there be an elected clerk of the circuit court in each of Florida's 67 counties to serve as clerk of court, ex officio clerk of the board of county commissioners, auditor, official records recorder, and custodian of all county funds.[9] The duties of the clerks of the circuit court as prescribed by law include:

- Collecting and distributing certain fines, fees, service charges, and court costs;
- Case maintenance;
- Records management;
- Court preparation and attendance;
- Processing case assignment, reopening, reassignment, and appeals;
- Processing of bond forfeiture payments;
- Data collection and reporting;
- Determination of indigent status; and
- Paying reasonable administrative costs to enable the clerks to carry out these functions.[10]

Tax Collectors

The State Constitution mandates that there be an elected tax collector in each county.[11] The tax collector provides services related to the collection of local taxes, but also may accept certain applications and renewals of licenses or other registrations as authorized by law.[12] Duties of the tax collector may include:

- Collecting local taxes and assessments;
- Registering and processing applications for title for motor vehicles, mobile homes, and vessels;
- Issuing hunting and fishing licenses;
- Issuing driver licenses;
- Processing concealed weapons permit applications and permit renewal applications;
- Issuing birth certificates; and

[7] Section 50.0311(3), F.S.
[8] Section 50.0311(4), F.S.
[9] Art. V, s. 16, Fla. Const.
[10] Section 28.35(3)(a), F.S.
[11] Art. VIII, s. 1(d), Fla. Const.
[12] *See, e.g.,* ch. 197, ss. 288.037, 316.88, and 379.352, F.S.

- Processing voter applications.[13]

Water Management Districts

The Legislature has declared that because water constitutes a public resource benefiting the entire state, it should be managed on a state and regional basis.[14] The Department of Environmental Protection exercises general supervisory authority over the state's five water management districts, which are responsible for the administration of the water resources at the regional level.[15] The state's five water management districts are: the Northwest Florida Water Management District, the Suwannee River Water Management District, the St. Johns River Water Management District, the Southwest Florida Water Management District, and the South Florida Water Management District.[16] Responsibilities of the water management districts include:

- Water supply planning and assistance with project implementation;
- Water quality monitoring and assessment
- Flood protection and floodplain management
- Evaluation and protection of natural systems through implementation of Minimum Flows and Levels and water reservations;
- Administration of programs to manage the consumptive use of water, well construction, and environmental resource permitting.

Pursuant to Article VII, s. 9(b) of the State Constitution and s. 373.503, F.S., the water management districts are authorized to levy ad valorem taxes.

III. Effect of Proposed Changes:

Increased Website Publication Options for Municipalities, Clerks of the Circuit Court, and Tax Collectors

The bill gives a municipality, a clerk of the circuit court, a tax collector, and a water management district more authority over where they publish advertisements and legal notices.

Currently, a "governmental agency" is defined as a county, municipality, school board, or other unit of local government or political subdivision. Under current law, each of those entities may publish advertisements and legal notices *only* in a local newspaper or on the official website of their county or other private website designated by the county.

The bill revises the definition of "governmental agency" to specifically mention clerks of circuit court, tax collectors, and water management districts. Under the bill, the definition of the term "publicly accessible website" is revised to specify that for legal notices and advertisements required under s. 50.011 by a municipality, a clerk of the circuit court, a tax collector and a water management district, the term means:

---

[13] Fla. Tax Collectors Assoc., *About Us*, https://floridataxcollectors.com/about/ (last visited Jan. 26, 2026).
[14] Section 373.016(4)(a), F.S.
[15] Fla. Dept. of Env't Prot., *Water Management Districts*, https://floridadep.gov/owper/water-policy/content/water-management-districts (last visited Jan. 28, 2026).
[16] *Id.*

- The entity's official website.
- A private website designated by the entity.
- The official website of the entity's county.
- A private website designated by the county in which the entity is located.

As a result, municipalities, clerks of the circuit court, tax collectors, and water management districts are no longer limited to publishing advertisements and legal notices in a newspaper, on their county's website, or on a private website designated by the county. Counties, school boards, and other units of local government or political subdivisions are still required to publish legal notices and advertisements on county or county designated websites.

Currently water management districts are included in the definition of the term "special district" in s. 50.0311, F.S., and are therefore required as a special district that spans the boundaries of more than one county to publish advertisements and notices on the publicly accessible website of each county they span. To conform with the authority granted under the bill for water management districts to choose to publish advertisements and notices on their own official website or private website they designate, the bill excludes water management districts from the definition of "special district".

Requirements for Posting Advertisements and Legal Notices on a Website

The bill keeps the existing law requirements that advertisements and legal notices be posted on a website in a searchable form, indicate the date when the items were first published, and cost less than it would cost to publish the items in a newspaper.

Publication Timeframes

The bill also establishes timeframes for publishing items on a website. If a legal notice or advertisement is published on one of the authorized websites, and unless otherwise specified by law, it must be published continuously for 2 weeks if providing notice of the status of a government activity or be continuously published from the date of initial publication through the date of the event of activity.

Website Publication for Governmental Agencies with Small Populations

The bill clarifies the authorization for a governmental agency to publish legally required advertisements and public notices on a publicly accessible website if it is located in a county having a population of less than 160,000 residents. As in existing law, notice must have been provided that a public hearing would be held to determine that the residents have sufficient access to the Internet and it will not unreasonably restrict public access. The bill clarifies that this requirement applies to counties having a population of less than 160,000; municipalities, school boards, clerks of circuit court, or tax collectors located within counties having a population of less than 160,000, and any other unit of local government or political subdivision having at least 75 percent of its population located within a county having a population of less than 160,000.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues, therefore the provisions of Article VII, s. 18 of the Florida Constitution do not apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Newspapers will lose advertising revenue to the extent that the bill shifts advertisements and legal notices away from newspapers to other official or designated websites. However, the shift of the publication of advertisements and legal notices from one publicly accessible website to another will not affect newspaper revenue.

C. Government Sector Impact:

The bill may shift advertisements and legal notices away from county websites to the official or designated websites of municipalities, clerks of the circuit court, tax collectors, and water management districts. Any county revenue generated from the use of their websites by these three entities will be reduced accordingly.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 50.0311 of the Florida Statutes.
This bill reenacts sections 11.02, 45.031, 50.011, 90.902, 120.81, 121.055, 162.12, 190.005, 200.065, 849.38, 1001.372, and 1011.03 of the Florida Statutes.

IX. Additional Information:

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

CS/CS by Community Affairs on January 27, 2026:
The committee substitute makes the following changes:

- Addresses a technical issue with the definition of "governmental agency" by removing the definition of "special governmental agency" from the bill and consolidating the listed entities into the definition of "governmental agency".
- Clarifies the definition of "publicly accessible website" by listing the individual entities which may use their own official websites or designated private websites, in addition to the current authority for such entities to use a county's website or private website designated by the county. Entities not listed will continue to be limited to using a county's website or private website designated by the county for legal notices. Additionally, the definition is clarified to refer to legal notices and advertisements by the listed entities required under s. 50.011, F.S.
- Adds water management districts to the list of entities which may use their own official websites or designated private websites in addition to a county or county-designated website. To conform with this change, the bill excludes water management districts from the definition of "special district" under the bill.
- Inserts the defined term "publicly accessible website" in the provision specifying timeframes for publication, rather than listing the different types of websites.
- Addresses a technical issue by listing individual entities in reference to legal notice requirements regarding counties with a population of less than 160,000.

CS by Judiciary on December 2, 2025:

- The committee substitute narrows the scope of the bill. The underlying bill arguably permits small governmental units to publish required advertisements and legal notices on their own official websites instead of on a county or county designated website. Under the committee substitute, only tax collectors, clerks of court, and municipalities may publish advertisements and legal notices on their websites or a private website they designate. The committee substitute also provides timeframes that control when and for how long items must be published.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.