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CS/HB 781

2014 Legislature

1  
2 An act relating to legal notices; amending s. 50.0211,  
3 F.S.; requiring legal notices to be posted on a  
4 newspaper's website on web pages with specified  
5 titles; prohibiting charging a fee or requiring  
6 registration for viewing online legal notices;  
7 establishing the period for which legal notices are  
8 required to be published on the statewide website;  
9 requiring that legal notices be archived on the  
10 statewide website for a specified period; deleting a  
11 provision relating to harmless error; amending s.  
12 50.061, F.S.; clarifying payment provisions; providing  
13 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  
18 to 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

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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~~  
 30 ~~charge~~. If there is a specified size and placement required for  
 31 a printed legal notice, the size and placement of the notice on  
 32 the newspaper's website must ~~should~~ optimize its online  
 33 visibility in keeping with the print requirements. The  
 34 newspaper's web pages that contain legal notices must ~~shall~~  
 35 present the legal notices as the dominant and leading subject  
 36 matter of those pages. The newspaper's website must ~~shall~~  
 37 contain a search function to facilitate searching the legal  
 38 notices. A fee may not be charged, and registration may not be  
 39 required, for viewing or searching legal notices on a  
 40 newspaper's website if the legal notice is published in a  
 41 newspaper ~~This subsection shall take effect July 1, 2013.~~

42 (3) (a) If a legal notice is published in a newspaper, the  
 43 newspaper publishing the notice shall place the notice on the  
 44 statewide website established and maintained as an initiative of  
 45 the Florida Press Association as a repository for such notices  
 46 located at the following address: [www.floridapublicnotices.com](http://www.floridapublicnotices.com).

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

49 1. Accessible and searchable by party name and case  
 50 number.

51 2. Posted for a period of at least 90 consecutive days  
 52 after the first day of posting.

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53        (c) The statewide website created under this subsection  
54 shall maintain a searchable archive of all legal notices posted  
55 on the publicly accessible website on or after October 1, 2014,  
56 for 18 months after the first day of posting. Such searchable  
57 archive shall be provided and accessible to the general public  
58 without charge.

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

67        ~~(5) An error in the notice placed on the newspaper or~~  
68 ~~statewide website shall be considered a harmless error and~~  
69 ~~proper legal notice requirements shall be considered met if the~~  
70 ~~notice published in the newspaper is correct.~~

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

73        50.061 Amounts chargeable.—

74        (2) The charge for publishing each such official public  
75 notice or legal advertisement shall be 70 cents per square inch  
76 for the first insertion and 40 cents per square inch for each  
77 subsequent insertion, except that government notices required to  
78 be published more than once, the cost of which ~~whose cost is~~

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79 | paid for by the government and not paid in advance by or allowed  
80 | to be recouped from private parties,   may not be charged for the  
81 | second and successive insertions at a rate greater than 85  
82 | percent of the original rate.

83 |       (3) Where the regular established minimum commercial rate  
84 | per square inch of the newspaper publishing such official public  
85 | notices or legal advertisements is in excess of the rate herein  
86 | stipulated, said minimum commercial rate per square inch may be  
87 | charged for all such legal advertisements or official public  
88 | notices for each insertion, except that government notices  
89 | required to be published more than once, the cost of which ~~whose~~  
90 | ~~cost~~ is paid for by the government and not paid in advance by or  
91 | allowed to be recouped from private parties,   may not be charged  
92 | for the second and successive insertions at a rate greater than  
93 | 85 percent of the original rate.

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