

ADVERTISING REQUIREMENTS



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NEW LEGISLATION EFFECTIVE JANUARY 1, 2023 – FS 50.011

- A governmental agency may use the publicly accessible website of the county in which it lies to publish legally required advertisements and public notices if the cost of publishing advertisements and public notices on such website is less than the cost of publishing advertisements and public notices in a newspaper.

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WHAT IS REQUIRED

- A governmental agency that has at least 75 percent of its population located in a county with a population of fewer than 160,000 must first hold a public hearing and determine the residents of the governmental agency have sufficient access to the Internet before it may publish legally required advertisements and public notices on a publicly accessible website
- The bill also requires a special district spanning the geographic boundaries of more than one county and opting to publish legal notices on a publicly accessible website to publish its legal notices on the publicly accessible website of each county it spans.

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**WHAT IS REQUIRED**

- Each legal notice so published must be in searchable form and indicate the date of first publication, and a public bid advertisement made by a governmental agency on a publicly accessible website must include a method for accepting electronic bids.
- The bill requires that a link to legal notices published on a publicly accessible website be conspicuously placed on or accessible through a direct link from the:
  - Publicly accessible website's homepage; and
  - Homepage of the website of each governmental agency publishing legal notices online.

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**WHAT IS REQUIRED**

- Further, a governmental agency:
  - With an authorized governmental access channel may include on such channel a summary of all legal notices posted on its publicly accessible website.
  - Publishing legal notices on a publicly accessible website must give notice, at least annually, that property owners and residents may receive legal notices from the governmental agency by first-class mail or e-mail upon registering with the agency.
  - Must maintain a registry of property owners and residents who request in writing to receive legal notices from the governmental agency by mail or e-mail.

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**WHAT IS REQUIRED**

- The bill also reverts the criteria a newspaper must satisfy to publish legal notices back to the criteria in place before January 1, 2022, with the exception of the requirement that a newspaper be for sale. Thus, under the bill, publication may be made in a free newspaper that:
  - Is published at least once a week;
  - Has at least 25 percent of its words in English;
  - Is considered a periodical by a post office in its county of publication;
  - Is available to the public generally for the publication of legal and other notices; and
  - Contains information of interest or value to the general public in the affected area.

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### WHAT IS REQUIRED

- Each legal notice published in a newspaper must be posted on the newspaper's website on the same day that the printed notice appears in the newspaper, at no additional charge, on a separate webpage with a specific title. A link to the legal notices webpage must be on the front page of the newspaper's website, and if there is a specified size and placement required for a printed legal notice, the size and placement of the online notice must optimize its online visibility in keeping with the print requirements. The newspaper's website must have a search function and a fee may not be charged, and registration may not be required, for viewing and searching legal notices on the website. The newspaper must also place the notice on the FPA's free repository website, where it must be maintained in a searchable archive for 18 months after the first day of posting. However, the bill eliminates the FPA's reporting obligations relating to minority populations established in chapter 2021-17, Laws of Fla.

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### EXCEPTIONS

- There are several ads that must be published in a newspaper of general circulation per Florida Statute.
- Those exceptions include:
  - comp plan amendments
  - annexations
  - Vacations
  - re-zonings

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### STANDARD

Type of Ordinance: Standard  
 Type of Ad: Standard Legal  
 Statutory Reference: FS 166.041(3)(a)  
 First Reading: N/A unless municipal charter states differently  
 Second Reading: 10 days prior to final public hearing  
 Document: Standard Legal Ad

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**ANNEXATION**

Type of Ordinance: Annexation  
 Type of Ad: Display  
 Statutory Reference: FS 171.044(2),(6)  
 First Reading: 2 consecutive weeks  
 Second Reading: 2<sup>nd</sup> consecutive week must be 10 days prior to final public hearing  
 Document: 3 columns wide x 6 inches long with 18 point font headline.  
 \*\*\* Must Include Map

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**ZONING CHANGE**

Type of Ordinance: Changing the list of permitted, conditional, or prohibited uses in a zoning category or changing actual zoning map designation (more than 10 acres).  
 Type of Ad: Display  
 Statutory Reference: FS 166.041(3)(c)(2)(a)  
 FS 166.041(3)(c)(2)(b)  
 First Reading: 7 days prior to first public hearing  
 Second Reading: At least 5 days prior to second and final public hearing  
 Document: 2 columns wide x 10 inches long with 18 point font headline.

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**COMPREHENSIVE PLAN (SMALL SCALE/MINOR)**

Type of Ordinance: Comprehensive Plan (Small Scale/Minor-Less than 10 acres)  
 Type of Ad: Standard  
 Statutory Reference: FS 163.3184(11)  
 FS 166.041(3)(c)(2)(b)  
 FS 125.66(2)  
 First Reading: 10 days prior to first public hearing  
 Second Reading: At least 5 days prior to second and final public hearing  
 Document: No size requirements/No limitation on the location of the ad

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**COMPREHENSIVE PLAN (LARGE SCALE/MAJOR)**

Type of Ordinance: Comprehensive Plan (Large Scale/Major-10 acres or more)  
 Type of Ad: Display  
 Statutory Reference: FS 163.3184(11)  
 FS 166.041(3)(c)(2)(b)  
 First Reading: 7 days prior to first public hearing  
 Second Reading: At least 5 days prior to second and final public hearing  
 Document: 2 columns wide x 10 inches long with 18 point font headline, NOT in the legal section.

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**ELECTIONS**

Type of Ordinance: Qualifying Election  
 Type of Ad: Legal  
 Statutory Reference: FS 100.021  
 First Reading: 30 days prior to the beginning of qualifying  
 Second Reading: 2 weeks after the first ad  
 Document: Must state what offices and/or vacancies are to be filled at the election

**F.S. 101.20(2) – General Elections:** Upon completion of the list of qualified candidates, a sample ballot shall be published **before** the day of election.

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**ELECTIONS**

Type of Ordinance: Special Elections and Referendums  
 Type of Ad: Legal  
 Statutory Reference: FS 100.151  
 FS 100.342  
 First Reading: There shall be 30 days notice. Must be made at least twice. Once in the fifth week  
 Second Reading: 3<sup>rd</sup> week prior to the week in which the election or referendum is to be held.  
 Document: Legal

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**SUMMARY**

- These advertising requirements are governed by state statute. Your city/town Charter may have additional requirements. Always consult your town attorney regarding questions with your Charter and statutory advertising requirements if you are not sure.

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