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LEGISLATIVE ALERT

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Legal Notice is Essential to Open and Transparent Government in the Sunshine

Senate Bill 1340 and House Bill 7 would reduce the number of people who see governmental legal notices by removing public notices from newspapers and permitting local government entities to post notices on their own agency websites. The bill defines a “governmental agency” as a “county, municipality, school board, or other unit of local government or political subdivision” in Florida.

Through such local legal notices, the public is made aware of open government meetings, tax increases, the sale of property, seized property, and school district zoning changes. The public can then voice their support or concerns regarding such issues at open meetings. Notice allows public participation in decisions integral to a community and prevents decisions from being made in secret.

Removing notice from print papers would particularly affect Floridians with limited internet and broadband access, many who live in rural communities. Due to economic inequalities, many Floridians do not have smartphones or reliable internet access. This bill would leave many elderly, poor, and rural Floridians in the dark. Members of the public who depend on print media for legal notices would be unaware of decisions with profound effects.

Newspapers, through print and the web, reach a greater audience than city or county websites. In fact, newspaper’s audience is 10 times larger than most city or county websites. Currently, readers see legal notices while looking for other information in the paper or online. Under SB 1340 and HB 7, the notices will only be seen by those who take the time to search agency websites, without knowing which agency websites to search or when they should search. It defies logic to believe that citizens will take the time to search agency websites to inform themselves of when meetings will occur.

Most importantly, publishing notices in newspapers ensures that the government entities expected to provide notice are not in control of the dissemination. A government entity required to provide notice may not consider openness in its self-interest; the current method of providing notice removes control from a government entity to newspapers. This prevents cities and counties from missing notice deadlines, excluding critical information, or hiding notices. SB 1340 and its companion, HB 7, limits who sees public notice and moves control of notice from an independent third party to a government entity. This legislation restricts public participation and government oversight, which are the bedrock of our democracy – a government of the people, by the people, and for the people.