

INDIAN RIVER COUNTY, FLORIDA

MEMORANDUM

TO: Indian River County Board of County Commissioners

VIA: Jason E. Brown, County Administrator

FROM: Dan Russell, Information Technology Director

SUBJECT: Website Publication of Legal Notices

DATE: November 22, 2022

DEPARTMENTAL

BACKGROUND:

In October of 2022 the County Attorney provided the Board with an overview of the recently enacted HB 7049 legislation, which made changes to the legal notices and official advertisements provision of the Florida Statutes. At the time, the Board directed staff to gather information on potential processes for the implementation of the publication of legal notices to the Indian River County Board of County Commissioner's website and to bring the information to a future meeting for the Board's consideration.

ANALYSIS

The Information Technology staff has reviewed the provisions of HB 7049 and potential implementation strategies. Those implementation details are discussed later in this report for the Board's consideration. Prior to reviewing that information staff feels that it is important that the Board be aware of a provision of this new legislation that has the potential to dramatically increase the cost of publishing legal notices if the Board opts to publish these notices exclusively via the County's website.

Per section 50.0311(6), Florida Statutes, a governmental agency that uses a publicly accessible website to publish legally required advertisements and public notices shall provide notice at least once per year in a newspaper of general circulation or another publication that is mailed or delivered to all residents and property owners throughout the government's jurisdiction, indicating that property owners and residents may receive legally required advertisements and public notices from the governmental agency by first class mail or e-mail upon registering their name and address or e-mail address with the governmental agency. The governmental agency shall maintain a registry of names, addresses, and e-mail addresses of property owners and residents who have requested in writing that they receive legally required advertisements and public notices from the governmental agency by first-class mail or e-mail. This provision of the legislation provides residents with the option of requesting that legal notices be mailed to them directly rather than consuming that information via the County's website.

Staff has analyzed the cost of advertising legal notices in the newspaper versus the cost of mailing those same notices using data collected from the Community Development Department and Purchasing Division for the last fiscal year. These two groups are responsible for the majority of the legal notices that are published by the County. According to the data reviewed, the average legal notice advertisement was approximately 1 page of copy. The total cost for the legal notices published by both groups during the last fiscal year was \$7,647.15, with an average cost of \$173.80 per legal notice ad. Comparatively, the cost to mail a one-page legal notice is \$1.83. Which is an aggregate of the following individual expenses:

- Metered Mail Rate \$ 0.57
- Paper \$ 0.01
- Toner \$ 0.08
- Envelope \$ 0.04
- Mailing Label \$ 0.01
- Staff time \$ 1.12

According to the most recent Census data, the population of Indian River County is 163,662 people. If 1% of the population (1637 people) opted to receive legal notices by mail, then the County's cost for mailing each notice would escalate to \$2,982.03 compared the current cost of \$173.80 for advertising that same notice via the newspaper. While it is difficult to project how many residents might choose to utilize this option, a rate significantly lower than the 1% used above would result in a cost that is as much as or more than the current cost to publish ads in the newspaper.

If the Board would like to pursue using the County's website for the publication of legal notices, then staff would recommend the following implementation guidelines and fees:

Legal Copy Deadlines:

All copy must be received via e-mail prior to publication according to the following deadlines. Staff will issue a confirmation of receipt to the requestor within 24 hours of receiving the request.

PUBLICATION DAY	DEADLINE	TIME
Friday	Prior Monday	10:00 AM
Saturday	Prior Tuesday	10:00 AM
Sunday	Prior Tuesday	10:00 AM
Monday	Prior Wednesday	10:00 AM
Tuesday	Prior Wednesday	10:00 AM
Wednesday	Prior Thursday	10:00 AM
Thursday	Prior Friday	10:00 AM

For Copy Changes and/or Corrections:

Upon completion of a legal ad, the requestor will be sent a copy via e-mail within three business days prior to publication of the ad. No changes will be made after the below deadlines.

PUBLICATION DAY	DEADLINE	TIME
Friday	Prior Wednesday	10:00 AM
Saturday	Prior Thursday	10:00 AM
Sunday	Prior Thursday	10:00 AM
Monday	Prior Friday	10:00 AM
Tuesday	Prior Friday	10:00 AM
Wednesday	Prior Monday	10:00 AM
Thursday	Prior Tuesday	10:00 AM

Fees:

Staff recommends that the fee for publishing legal notices be \$35.00 per page. This fee is based on the staff time required for the County's Digital Media Technician to complete the actions required to post a one-page legal notice to the County's website. Staff further recommends that each

Department be responsible for preparing their own legal notice mail and the cost associated with mailing those items.

FUNDING

There is no funding required to implement this new process.

RECOMMENDATION

Staff recommends the Board continue to follow the established process of advertising legal notices via a local newspaper and continue posting those notices to the County's website. Staff does not recommend implementing a process to advertise legal notices exclusively via the County's website as this has the potential to drastically increase the costs of these advertisements given the provision in the new legislation that allows for residents to request that each notice be mailed to them individually.

DISTRIBUTION

Dylan Reingold – County Attorney