

Public Notices Belong in Independent Newspapers

Public notices are vital to the functioning of our society. A proper public notice must be:

1. published by a neutral and **independent** party.
2. **accessible** to public
3. capable of being archived in a secure and accessible format, and
4. the act of publishing a notice must be capable of being verified and authenticated by the publisher.

1. Public Notices must be published by a neutral and independent party.

- a. Allowing government officials to post public notices takes away third-party neutral interest, and removes any independent proof of publication.
- b. Placing the responsibility of notifying the public in the hands of government officials carries with it a potential for abuse. For example, it may create the temptation to change or manipulate the timing of public notices.
- c. Newspapers serve as a watchdog for the community. If a scheduled public notice is not published or contains false information, newspapers are likely to catch the mistake as they are experts on what notices are required by law.

2. Public Notices must be accessible to the public.

- a. The public won't see public notices if they don't have computers, and large segments of Florida's elderly and minority population lack the financial means to purchase computers; or to pay for monthly internet access.
- b. The government has a fundamental responsibility to ensure adequate notification to the public of its actions. That responsibility cannot be abandoned in favor of presumed cost savings, which may prove to be elusive in light of a decrease in effective public notice.
- c. Local newspapers have become the traditional medium for public notices, and this is exactly where the public, including infrequent newspaper readers, expects to find them. (In fact, some commercial services, such as those serving the construction industry, actually mine public notices in newspapers, and then pass on valuable information via email notification lists).
- d. A survey conducted in December 2005 found that only about 23% of Americans access the Web for news (most use it for email); while more than double that number read a newspaper. (Pew Research Center, 2006)
- e. Furthermore, using a computer and navigating the World Wide Web are skills that must first be learned by new users. This often takes quite some time. Newspapers offer readers a single, convenient location at which to find public notices.
- f. A significant percentage of Americans do not use the Internet on a regular basis. Currently, penetration levels are hovering at about 68%, up only 4% in over 5 years. (Jupiter Research, 2005). Of those that have internet, only 60% of them are online in a given day (Pew Research center, 2005).
- g. Placing public notices on the internet disenfranchises many citizens, especially the elderly which comprise a majority of Florida's population. Demographic research shows that only 29% of all adults over the age of 65 go online (Pew Research Center, 2006). Furthermore, according to a

recent study of American Demographics, 78% of Americans over the age of 65 get their news from newspapers, while only 12% look to the Internet for news. But, senior citizens are also among the most politically active demographics, especially in Florida, and thus are the most likely to take advantage of public notices.

- h. Placing public notices on the Internet disproportionately affects minority citizens. Both African-Americans (56%) and Hispanics (52%) are below the national average in internet penetration and are still expected to be well under the national average in 2010. (Jupiter Research, 2005)
- i. Placing public notices on the internet disenfranchises the poor. Demographic research shows 94% of citizens earning income of \$75,000 per year are internet users. However, only 54% of those who make less than \$30,000 use the internet. (Pew Research Center, 2006)
- j. Internet access by rural residents is far below that of their urban and suburban counterparts. A recent study shows that internet access in rural areas is consistently 10% below the national average. Furthermore, rural residents are less likely to have access to broadband internet connections which allow them to work faster online. (Pew Research Center, 2006)
- k. With an online format, guaranteeing or measuring readership is very difficult, as opposed to newspapers, which are required to demonstrate readership by providing records of paid subscribers, maintaining postal permits, or submitting to outside subscription audits. Newspapers are required to guarantee certain levels of readership whereas with internet sites, guaranteeing even minimal levels of readership is difficult.

3. Public Notices must be archived in a secure and accessible format.

- a. The internet does not provide a reliable archival history of public notices. It is possible that entire years' worth of notices could be deleted with a touch of a single button.
- b. The stability of newspapers as a medium for public notices is unquestionable. The internet, on the other hand, remains highly vulnerable and unstable. Power surges, computer problems and downed servers can prevent access at any given time.
- c. According to Government Computer News (GSC), hackers are starting to attack routers and switches that handle the backbone of the internet in addition to attacking individual computers and websites. A highly successful hacker attack could leave certain networks out of commission for days or weeks. (GCS, 2005)
- d. In August 2005, the Zotob.A worm struck numerous private and public interests, including many government computers. Printed public notices provide a record of public notices that cannot be altered.

4. The act of publishing a notice must be verified and authenticated by the publisher.

- a. Newspapers serve an important monitoring function. If government entities are able to publish their own notices, it would be much more difficult for the community to monitor whether they are in fact publishing them. Newspapers, on the other hand, rely partly on the publication of notices for revenues, and thus are more apt to make sure local governments are publishing notices in accordance with the law.
- b. Interested parties cannot prove that they were properly notified of an impending action. On the other hand, newspapers serve as an authentic record of publication, and provide sworn affidavits that ads were published along with physical tearsheets of the ad as printed.

Also, note that supplemental internet notice by a third party is not necessary for proper public notice because it is already being done by the newspapers in Florida. Supplemental internet notice is being done—at no charge to the government or the public. Florida’s newspapers have operated a supplemental free access public notice web site, <http://www.floridapublicnotices.com>, for seven years allowing citizens access to public notices aggregated from Florida newspapers.