

Urgent   X  

Routine \_\_\_\_\_

**RESEARCH REQUEST RESPONSE**

DATE OF REQUEST: February 8, 2019  
ATTORNEY REQUESTING: Don Crowell  
CLERK: Sean M. LeRoux  
DATE NEEDED: ASAP  
SUBJECT: County Website ADA Suit  
Matter ID: [unknown]

**Background:** One issue that has come up is, “what documents or items of information are legally mandated that the County provide online?” The answer to this question may be buried in many sources. Look at statutory or regulatory requirements to post items online on the County’s website. I will want a list of items that are required by law to be posted with a reference to the legal requirement (statute, code, or regulation, etc.), as well as any format requirements.

For example:

Office of Management and Budget – Budget Amendments -“If the board amends the budget pursuant to this paragraph, the adopted amendment must be posted on the county’s official website within 5 days after adoption.” § 129.06(2)(f)(2), Fla. Stat. - No Format stated.

Building Department – permit applications – “A county that issues building permits shall post each type of building permit application on its website.” § 125.56(4)(b), Fla. Stat. – No format stated.

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**ISSUE**

What documents or items of information are legally mandated that the county post online?

**DISCUSSION**

The following should be an exhaustive list of all materials that are statutorily required to be posted on the county website:

Florida Statutes

- Fla. Stat. § 125.045(4) – county fund expenditure report must be posted on website

- “[...] submit a report to the governing body of the county detailing how county funds were spent and detailing the results of the economic development agency’s or entity’s efforts on behalf of the county. [...] the county must file a copy of the report with the Office of Economic and Demographic Research and post a copy of the report on the county’s website.”
- Fla. Stat. § 125.56(4)(b) – building permit application forms must be posted on website
  - “A county that issues building permits shall post each type of building permit application on its website. [...]”
- Fla. Stat. § 129.03(3)(c) – tentative and final budgets must be posted on website
  - “[...] The tentative budget must be posted on the county’s official website at least 2 days before the public hearing to consider such budget. The final budget must be posted on the website within 30 days after adoption. The tentative budgets, adopted tentative budgets, and final budgets shall be filed in the office of the county auditor as a public record. [...]”
- Fla. Stat. § 129.06(2)(f)(2) – adopted budget amendments must be posted on website
  - “If the board amends the budget pursuant to this paragraph, the adopted amendment must be posted on the county’s official website within 5 days after adoption.”
- \*\*\*Fla. Stat. § 189.016(4) – specific requirements for posting Special District’s budget [SD website, *not* County website]
  - tentative budget must be posted within 2 days prior to the meeting and remain up for 45 days thereafter; final budget must be posted within 30 days of adoption and remain up for 2 years; an amendment budget must be posted after 5 days after adoption and remain 2 years after.
- \*\*\*Fla. Stat. §§ 189.069(a), (b) – website requirements for all special districts, including independent and dependent special districts.
- Fla. Stat. § 195.087(6) – link to property appraiser or tax collector’s website where final approved budget it posted must be on county website
  - “[...] Each county’s official website must have a link to the websites of the property appraiser or tax collector where the final approved budget is posted. If the property appraiser or tax collector does not have an official website, the final approved budget must be posted on the county’s official website.”

- \*\*\*Fla. Stat. 252.355(2)(a) - Registry of persons with special needs; notice; registration program
  - The registration program shall include, at a minimum, a uniform electronic registration form and a database for uploading and storing submitted registration forms that may be accessed by the appropriate local emergency management agency. The link to the registration form shall be easily accessible on each local emergency management agency’s website. Upon receipt of a paper registration form, the local emergency management agency shall enter the person’s registration information into the database.
  
- \*\*Fla. Stat. § 255.20(1)(b) & (1)(d)2 and § 287.055(3)(a)1
  - Contain public advertisement and public announcement of construction and CCNA projects. The statutes do not necessarily say advertisement on the “website” or the “internet”. Currently, construction bids are noticed on DemandStar which direct contractors to the FTPS site where the contract documents are placed for access. In addition, prequalified contractors are informed of bid opportunities by email. In addition, the bids are advertised in a newspaper of general circulation. For CCNA, proposal contract documents are posted through a link on the Purchasing Internet website and an email is sent out for those interested to be able to access these documents.
  
- Fla. Stat. § 281.35(4) – final approved budget of clerk of the circuit court must be posted on website
  - “The final approved budget of the clerk of the circuit court must be posted on the county’s official website within 30 days after adoption. The final approved budget of the clerk of the circuit court may be included in the county’s budget.
  
- \*\*Fla. Stat. § 553.79(1)(b)
  - A local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department’s website or through a third-party submission management software.

- Fla. Stat. § 668.6076 – agencies must post e-mail public record disclaimer on website
  - “Any agency, as defined in s. 119.011, or legislative entity that operates a website and uses electronic mail shall post the following statement in a conspicuous location on its website: *‘Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.’*”
- \*\*Fla. Stat. 823.151(2)(a)3 & 5
  - A public or private animal shelter, humane organization, or animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision that takes receivership of any lost or stray dogs or cats shall adopt written policies and procedures to ensure that every reasonable effort is made to quickly and reliably return owned animals to their owners. Such policies and procedures shall include:
    - **3.** Public notice of lost or stray dogs and cats received, provided at the shelter or on the Internet, as appropriate, within 48 hours of the animal’s admission.
    - **5.** Notice to the public of the shelter’s location, hours, fees, and the return-to-owner process posted on the Internet, with the shelter’s business hours posted outside the shelter facility and recorded on the shelter’s telephone answering system message.

Pinellas County Code

- \*\*Pinellas County Code § 14-29(II)(f)
  - Requires animal services to post standards for basic animal care and facility sanitation on its website. The July 1, 2015 Audit of Animal Services by the County Inspector General commented on a lack of transparency for budget and financial expenditures for the Animal Welfare Trust Fund. Thus, animal services posts the annual report online. This is not necessarily a legal obligation as much as it to improve on the recommendations of the IG report.
- Pinellas County Code § 138-252(a) – (d) – notices for type 1 – 4 developments must be posted on County website

Non-mandated, but included in county code of ordinances:

- § 38-144(1)(b) – historic register will be available on county’s website
- § 58-484(b) – nutrient level in reclaimed water available on county’s website

- § 146-7 – meeting notice re: historic preservation board available on county’s website

## CFR

- \*\*24 CFR 91.105
  - Requires federal grant recipients to adopt and follow a public participation plan. The County’s Plan requires performance reports to be provided either through the government access channel or on the County’s website.
  - [http://www.pinellascounty.org/community/pdf/Revised\\_CITIZEN\\_PARTICIPATION\\_PLAN\\_2018.pdf](http://www.pinellascounty.org/community/pdf/Revised_CITIZEN_PARTICIPATION_PLAN_2018.pdf)
- \*\*23 CFR 450 [does not specifically require info to be posted on *county’s* website]
  - Requires MPOs to have public participation plans, and upon adoption, the MPOs must follow said plans. The Pinellas County MPO’s plan requires certain things to be posted online (Transportation Improvement Plan information, meetings, etc.) The Plan also states that all Forward Pinellas websites will comply with Section 508 of the Rehabilitation Act of 1973, which imposes a variety of formatting requirements.
    - <http://forwardpinellas.org/wp-content/uploads/2016/07/PPP.pdf>
    - <https://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh/final-rule/text-of-the-standards-and-guidelines#appendix-a>
    - <https://webaim.org/standards/508/checklist>
- \*\*49 CFR 26
  - (26.45(g)(1)(ii)) requires DOT grant recipients to post their established Disadvantaged Business Enterprise goal online. The Federal Highway Administration (FTA) requires recipients of FTA funds to submit a Title VI Program. The Pinellas MPO’s Program requires meeting schedules, annual reports, surveys related to the long range transportation plan, Title VI complaint procedure to be posted online. <http://forwardpinellas.org/wp-content/uploads/2017/02/Title-VI-Plan-Spring-2016.pdf>

## Florida Administrative Code

- \*\*Florida Administrative Code 12D-9.007(8) – contains a notice requirement for hearings, which *may be satisfied* through a posting on the website.
- \*\*Florida Administrative Code 12D-9.007(13) – board clerk is required to make available copies of internal operating procedures and forms of the board or special magistrates and post the procedures and forms on the board clerk’s website, if any.

- \*\*Florida Administrative Code 12D-9.013(1)(h) – all local administrative procedures and forms of the board or special magistrates must be made available to the public and accessible on the board clerk’s website, if any. Does not state the manner in which the posting must occur.
- \*\*Florida Administrative Code 12D-9.014(1)(h) – the department revenue’s uniform policies and procedures manual must be on the clerk website, if the board clerk has a website. Does not state the manner in which the posting must occur; however, this manual appears to be OCR’d and only available in a PDF on the department of revenue’s website.

### Purchasing Code

- 2-147(6) Disposition of Surplus Lands
  - (6) Purchase/lease agreement. Once a purchase or lease has been successfully negotiated, the agreement will be sent to the board for consideration and approval. Any interested person may address the board with respect to the agreement during the applicable public hearing. The date the item will appear on the board agenda will be available on the county website.
- \*\*2-156 Definitions - Public Notice
  - Public Notice means the required notification or advertisement of an invitation to bid, request for proposal, or other competitive solicitation provided for in this division, to be given to Vendors for a reasonable period of time, as determined by the Director, which shall, at a minimum, include: (i) direct notice to Vendors by the Pinellas County Purchasing Department (Purchasing Department); (ii) posting notice or a link (which contains notice) on the Purchasing Department website; and (iii) notice in a newspaper of general circulation, when required by applicable law. The Public Notice shall describe the goods and/or services sought, and state the date, time and place of the bid, proposal, or other solicitation opening.
- \*\*\*2-162(b) Protest Procedure –
  - Posting. The Purchasing Department shall post the recommended award on or through the departmental website.

Approved by: /S/ Carole Sanzeri

cc: Jewel White, County Attorney

Sue Estrada, Assistant to Jewel White & Donald S. Crowell

CLERK: Sean LeRoux

COMPLETED: \_\_\_\_\_

PCAO # 204795