

# **Public Notice and the Preservation of Liberty**

By Jeff Kottkamp

This year during the legislative Session we will again see attempts to do away with public notice---specifically--public notice in print media. Those efforts are usually pushed by those who view public notice as a nuisance. They generally argue that no one reads public notice ads in newspapers. That argument is not accurate and more importantly ignores the very purpose of public notice.

Those pushing for the elimination of public notice apparently fail to understand that providing notice to the public---particularly when your property is about to be taken, or when the local government is about to vote on a budget or a land use issue---goes to the very core of our system of government. In Florida, where we pride ourselves on our tradition of “government in the sunshine” the idea of providing the citizens less information about the actions of government does violence to the principle of open government. This is especially the case when your property rights are at stake.

There is one proposal this year that would harm property rights in the mortgage foreclosure arena. The proposal would effectively do away with public notice in print media and drive all of the business to a for-profit company’s website. Over the last few years there have huge problems with foreclosure fraud---and even cases of people’s home being improperly foreclosed. Why would we want to make it harder for people to find out their property rights are being impacted?

To eliminate public notice---particularly when you are talking about taking someone’s property---forever---is really an attack on the core principles upon which this nation were founded. Our Founding Fathers viewed property rights as a sacred inalienable right. The Virginia Declaration of Rights written in 1776 specifically stated that all people have the inherent right to “the enjoyment of life and liberty” as well as “the means of acquiring and possessing property.”

While actual notice to the person---in the form of a certified letter---is probably the best notice, what if you can’t find the person? This is where public notice is really important. Putting an ad in the local newspaper cast a much larger net. It tells the world---we are about to take this person’s property forever---if you know him---please let tell him. Public notice in this context demonstrates that as a society we truly value a person’s property rights---and want to give that person every opportunity to know that they are about to be deprived of their property.

Taking public notice out of newspaper would also disproportionately hurt those that can least afford it---the elderly and minorities. Why? Because study after study shows that a large percentage of people 65 and older don’t use the internet---and an equally large number of minorities don’t have access to the internet. For that reason--- Associated Industries of Florida (AIF), NAACP, the Florida Association of Black Owned Media, AARP, the Florida Press Association, Citizen Advocate Lisa Epstein of

Foreclosure Hamlet and others have opposed efforts to take public notice out of newspapers.

Whether dealing with the actions of government, or taking someone's property we must make sure we keep the public noticed-----in doing so we will help preserve our liberty.

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