



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.11.

3/7/2023

Subject:

Legislative Intent and Permission to Advertise an Ordinance Amending Chapter 2, Brevard County Code of Ordinances, to Create a New Article IX Relating to Publication of Legal Advertisements and Public Notices on a Publicly Accessible Website.

Fiscal Impact:

Based on prior year actual costs provided by Charter Offices, Municipalities and the Brevard County School Board (agencies that plan on participating in posting legal ads on the County's website), the cost of administering this program will be less than the cost of placing ads in the newspaper.

Dept/Office:

County Attorney's Office

Requested Action:

It is requested that the Board of County Commissioners approve advertisement of the Board's intent to consider an ordinance amending Chapter 2, Administration, of the Brevard County Code of Ordinances, to create a new Article IX, Legal Advertisements and Public Notices, relating to the publication of advertisements and public notices on a publicly accessible website in lieu of a newspaper when newspaper publication is required by Brevard County ordinance, resolution, board policy, or administrative order.

Summary Explanation and Background:

Effective January 1, 2023, Chapter 50, Florida Statutes, Legal and Official Advertisements, provides that a governmental agency may publish certain statutorily required legal advertisements, publications, or notices on the publicly accessible website of the county in which it lies if doing so would cost less than publishing legal notices in a newspaper. Section 50.0311, Florida Statutes, defines "publicly accessible website" to mean a county's official website or other private website designated by the county for the publication of legal notices and advertisements that is accessible via the Internet. The county intends to publish statutorily required advertisements and public notices on a publicly accessible website pursuant to this authorization.

However, various Brevard County ordinances, resolutions, board policies, and administrative orders also require publication of certain legal advertisements and public notices in a newspaper. The proposed ordinance will allow for these county-required newspaper advertisements and notices to be published on a publicly accessible website instead of in a newspaper.

Advertisements and public notices published on a publicly accessible website pursuant to the proposed ordinance must be in searchable form and indicate the date on which the advertisement or public notice was first published on the website. A link to advertisements and public notices published on the website shall be conspicuously placed on the homepage of the county's official website.

F.11.

3/7/2023

Clerk to the Board Instructions:



March 8, 2023

M E M O R A N D U M

TO: Morris Richardson, County Attorney

RE: Item F.11., Legislative Intent and Permission to Advertise an Ordinance Amending Chapter 2, Brevard County Code of Ordinances, to Create a New Article IX Relating to Publication of Legal Advertisements and Public Notices on a Publicly Accessible Website

The Board of County Commissioners, in regular session on March 7, 2023, approved advertisement of the Board's intent to consider an ordinance amending Chapter 2, Administration, of the Brevard County Code of Ordinances, to create a new Article IX, Legal Advertisements and Public Notices, relating to the publication of advertisements and public notices on a publicly accessible website in lieu of a newspaper when newspaper publication is required by Brevard County Ordinance, Resolution, Board Policy, or Administrative Order.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell
Kimberly Powell, Clerk to the Board

/ns

ORDINANCE NO. 2023-_____

AN ORDINANCE OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, OF THE BREVARD COUNTY CODE OF ORDINANCES; CREATING ARTICLE IX RELATING TO PUBLICATION OF LEGAL ADVERTISEMENTS AND PUBLIC NOTICES ON A PUBLICLY ACCESSIBLE WEBSITE; PROVIDING FOR A SHORT TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PUBLICATION OF LEGAL ADVERTISEMENTS AND PUBLIC NOTICES ON A PUBLICLY ACCESSIBLE WEBSITE IN LIEU OF A NEWSPAPER WHEN NEWSPAPER PUBLICATION IS REQUIRED BY BREVARD COUNTY ORDINANCE, RESOLUTION, BOARD POLICY, OR ADMINISTRATIVE ORDER; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Chapter 50, Florida Statutes, Legal and Official Advertisements, provides that, effective January 1, 2023, a governmental agency may publish certain statutorily required legal advertisements, publications, or notices on the publicly accessible website of the county in which it lies if doing so would cost less than publishing legal notices in a newspaper; and

WHEREAS, the county intends to publish statutorily required advertisements, publications, and notices on a publicly accessible website to the extent authorized by state law; and

WHEREAS, various county ordinances, resolutions, board policies, and administrative procedures require official or legal advertisement, publication, or notice in a newspaper; and

WHEREAS, the Board of County Commissioners desires to amend the Code of Ordinances to allow advertisements, publications, or notices that are currently required to be published in a newspaper by county ordinance, resolution, board policy, or administrative procedure, to instead be published on a publicly accessible website; and

WHEREAS, the Board of County Commissioners has determined that the cost of publishing legal advertisements and public notices on the publicly accessible website of the county is less than the cost of publishing legal advertisements and public notices in a newspaper.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The foregoing recitals are true and correct and are incorporated by reference into this Ordinance.

SECTION 2. This Ordinance shall create a new Article IX of Chapter 2 of the Code of Ordinances of Brevard County, Florida, entitled "LEGALLY REQUIRED ADVERTISEMENTS AND PUBLIC NOTICES."

ARTICLE IX. – LEGAL ADVERTISEMENTS AND PUBLIC NOTICES

SECTION 3. Section 2-261 of the Code is hereby created to read as follows:

Sec. 2-261. – Short title.

This article will be known and may be cited as the Brevard County Legal Advertisements and Public Notices (“Legal Advertisements and Public Notices”) Ordinance.

SECTION 4. Section 2-262 of the Code is hereby created to read as follows:

Section 2-262. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Publicly accessible website means the county’s official website or other private website designated by the county for the publication of legal notices and advertisements that is accessible via the Internet.

SECTION 5. Section 2-263 of the Code is hereby created to read as follows:

Sec. 2-263. – Publication of legal advertisements and public notices.

- (a) Whenever by Brevard County ordinance, resolution, board policy, or administrative order an official or legal advertisement, publication, or notice in a newspaper is directed or required, such advertisement, publication, or notice may be published on a publicly accessible website in lieu of newspaper publication.
- (b) A link to advertisements and public notices published on a publicly accessible website as provided in this article shall be conspicuously placed on the homepage of the county’s official website.
- (c) All advertisements and public notices published on a publicly accessible website as provided in this article must be in searchable form and indicate the date on which the advertisement or public notice was first published on the website.

SECTION 5. Sections 2-264 through 2-270 of the Brevard County Code of Ordinances shall be reserved.

Sections 2-264 – 2-270. - Reserved.

SECTION 6. Conflicting provisions. In the case of direct conflict between any provision of this Ordinance and a portion or provision of any other appropriate federal or state law, the more restrictive shall apply.

SECTION 7. Severability. The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, clause, or phrase herein, is, for any reason, held to be invalid or unconstitutional, by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, paragraphs, sentences, clauses, or phrases. Such remaining sections shall remain in effect, it being the intent that this ordinance shall remain in effect notwithstanding the invalidity of any part.

SECTION 8. Inclusion in the Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Brevard County Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 9. Effective date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. Unless specified otherwise, this ordinance shall take effect immediately upon adoption and filing as provided by law.

DONE, ORDERED AND ADOPTED, in regular session, this _____ day of _____ 2023.

Attest:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

BY: _____
Rachel Sadoff, Clerk

BY: _____
Rita Pritchett, Chair
(as approved by the Board on _____)

(S E A L)