

ORDINANCE NO. 2024-__

AN ORDINANCE OF BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, 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 POLK COUNTY ORDINANCE, RESOLUTION, CODE, BOARD POLICY, OR ADMINISTRATIVE ORDER; PROVIDING FOR DEFINITIONS; 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, POLK COUNTY (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 publishing legal advertisements and public notices on the Publicly Accessible Website of the County is less expensive 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 POLK COUNTY, FLORIDA:

SECTION 1. Incorporation of Recitals.

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

SECTION 2. 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 website designated by the County for the publication of legal notices and advertisements that is accessible via the Internet.

SECTION 3. Publication of legal advertisements and public notices.

- (a) Whenever, by Polk County ordinance, resolution, code, 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. However, this section does not apply to publications and notices required by the Polk County Comprehensive Plan or the Polk County Land Development Code.
- (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.
- (d) Polk County may issue a required publication or notice both online and in a newspaper at its discretion. The version published online will be controlling. If there are any discrepancies between the version published online and the version published in a newspaper, then the version published online will be the official, controlling version. Likewise, if there is a discrepancy between the dates of publication between the online publication and the newspaper publication, then determination of the publishing date shall be established by the version published online.

SECTION 4. 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 5. 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 6. 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 POLK 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 7. 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.