

LEE COUNTY ORDINANCE NO. 23-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, RELATING TO THE PUBLISHING OF LEGALLY REQUIRED ADVERTISEMENTS AND PUBLIC NOTICES ON LEE COUNTY'S PUBLICLY ACCESSIBLE WEBSITE; PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (the "Board") is the governing body in and for Lee County, a political subdivision and Charter County of the State of Florida ("County"); and,

WHEREAS, the Board is authorized pursuant to Chapter 125, Florida Statutes, to enact Ordinances necessary in the exercise of its powers; and,

WHEREAS, the 2022 Legislature has enacted House Bill 7049 (2022), Chapter 2022-103, Laws of Florida, which amends Florida Statute Section 50.0311 to expressly allow governmental agencies to publish legally required advertisements and public notices using a "publicly accessible website" in lieu of publication in a newspaper of general circulation if the cost of publishing on such website is less than the cost of publishing in a newspaper; and,

WHEREAS, the term "publicly accessible website" means a county's official website or other private website designed by the county for publication of legal notices and advertisements that is accessible via the Internet; and

WHEREAS, County staff have estimated that the yearly taxpayer cost of publishing legally required advertisements and public notices in newspapers of general circulation for Lee County alone is approximately \$135,000.00; and,

WHEREAS, a print edition subscription to the News-Press costs a private citizen \$360 per year in order to access legal advertisements and public notices that could otherwise be accessed for free on the County's publicly accessible website; and

WHEREAS, publishing legally required advertisements and public notices on the County's existing website will be at little or no cost to the County, and access to such notices will be at no cost to taxpayers.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA THAT:

## **SECTION ONE: ONLINE PUBLICATION OF LEGAL NOTICES**

Notwithstanding any Lee County rule or law to the contrary, any legal advertisements or public notice that the County is required to publish in a newspaper of general circulation pursuant to law, including but not limited to Florida Statutes Chapter 50 or any Lee County ordinance, land development code, or administrative code provision, may instead be published on Lee County's publicly accessible website in accordance with Florida Statutes Section 50.0311.

## **SECTION TWO: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of other lawfully adopted ordinances or statutes, the most restrictive requirements will apply.

## **SECTION THREE: SEVERABILITY**

If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, it is the Board's intention that such portion will become a separate provision and will not affect the remaining provisions of the ordinance. The Board further declares that this ordinance would have been adopted if such unconstitutional provision was not included.

## **SECTION FOUR: CODIFICATION AND SCRIVENER'S ERRORS**

The Board intends that this ordinance will be made part of the Lee County Code; and that sections of this ordinance can be renumbered or relettered and that the word "ordinance" can be changed to "section", "article" or some other appropriate word or phrase to accomplish codification, and regardless of whether this ordinance is ever codified, the ordinance can be renumbered or relettered and typographical errors that do not affect the intent can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

## **SECTION FIVE: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

## **SECTION SIX: EFFECTIVE DATE**

This ordinance will take effect upon its filing with the Office of the Secretary of the Florida Department of State.

Commissioner Ruane made a motion to adopt the foregoing ordinance, seconded by Commissioner Pendergrass. The vote was as follows:

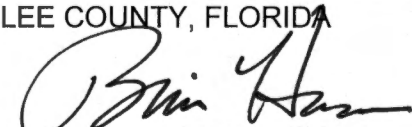
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 20th day of June 2023.

ATTEST:  
KEVIN KARNES, CLERK

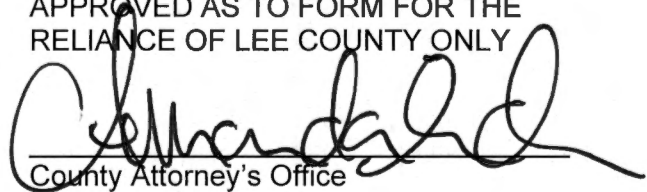
BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

  
County Attorney's Office



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

June 26, 2023

Honorable Kevin Karnes  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attn: Chris Jagodzinski

Dear Kevin Karnes:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 23-15, which was filed in this office on June 26, 2023.

Sincerely,

Anya Owens  
Administrative Code and Register Director

ACO/wlh

**RECEIVED**

*By Chris Jagodzinski at 4:10 pm, Jun 26, 2023*