

ORDINANCE NO. 25-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE I, IN GENERAL, CREATING SECTION 2-3 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “PUBLIC NOTICE AND LEGAL ADVERTISEMENTS”; AMENDING CHAPTER 2, ARTICLE IV, BOARDS AND COMMISSIONS, UTILITY AUTHORITY, SECTION 2-110 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “POWERS AND DUTIES” AND SECTION 2-111, ENTITLED “RATES AND RATE-MAKING PROCEDURES”; AMENDING CHAPTER 2, ARTICLE V, CODE ENFORCEMENT, SECTION 2-210 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “NOTICES”; AMENDING CHAPTER 2, ARTICLE IX, SURPLUS REAL PROPERTY DISPOSITION, SECTION 2-283 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “STANDARDS AND PROCEDURES FOR DISPOSITION OF SURPLUS REAL PROPERTY”; AMENDING CHAPTER 9, ARTICLE III, LOCAL HOUSING ASSISTANCE, SECTION 9.3-48 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “ADOPTION OF AFFORDABLE HOUSING INCENTIVE PLAN”; AMENDING CHAPTER 10, ARTICLE XI, IMPACT FEE FOR TRANSPORTATION FACILITIES, SECTION 10-284 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “NOTICE OF IMPACT FEE RATES”; AMENDING CHAPTER 10, ARTICLE XII. INFRASTRUCTURE SALES SURTAX, SECTION 10-354 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “NOTICE OF SALES SURTAX EXTENSION REFERENDUM”; AMENDING CHAPTER 10, ARTICLE XV. EDUCATIONAL SYSTEM IMPACT FEE, SECTION 10-449 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “NOTICE OF IMPACT FEE RATES”; AMENDING CHAPTER 11, ARTICLE IV, DRUG-RELATED PUBLIC NUISANCE ABATEMENT, SECTION 11.92 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “SAME-OPERATING PROCEDURES REGARDING COMPLAINTS”; AMENDING CHAPTER 17, ARTICLE III, IMPROVEMENT AREAS AND ASSESSMENT PROCEDURES, DIVISION 3. ASSESSMENTS, SECTION 17-54 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “NOTICE BY PUBLICATION”; AMENDING CHAPTER 17, ARTICLE IV, STORMWATER MANAGEMENT, DIVISION 3. ASSESSMENTS, SECTION 17-125 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “NOTICE BY PUBLICATION”;

AMENDING CHAPTER 17, ARTICLE V, FIRE RESCUE ASSESSMENT, DIVISION 2. ANNUAL FIRE RESCUE ASSESSMENTS, SECTION 17-224 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “NOTICE BY PUBLICATION”; AMENDING CHAPTER 17, ARTICLE VI, LOCAL PROVIDER PARTICIPATION FUND, SECTION 17-301 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “NOTICE BY PUBLICATION”; AMENDING CHAPTER 19, ARTICLE II, INDUSTRIAL PRETREATMENT, DIVISION 7, SECTION 19-88 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE”; AMENDING CHAPTER 19, ARTICLE III, WATER AND SEWERS, SECTION 19-123 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “APPLICATION FOR SERVICE”; AMENDING CHAPTER 19, ARTICLE III, WATER AND SEWERS, SECTION 19-216 OF THE MARION COUNTY CODE OF ORDINANCES, ENTITLED “APPLICATION/PROJECT REQUIREMENTS AND PRIORITIZATION”; ALLOWING FOR THE USE OF A PUBLICLY ACCESSIBLE WEBSITE FOR PUBLIC NOTICE AND LEGAL ADVERTISEMENTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 DULY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. CODE AMENDMENT. The Marion County Code of Ordinances, Chapter 2 **Amendments.** Per section 1-6.3 – Amendments to Code; effect of new ordinance; amendatory language, of the Marion County Code, **Chapter 2** of the Marion County Code, Administration, **Article I, In General**, is hereby amended by adding a section, to be numbered **Section 2-3**, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

Sec. 2-3– Public Notice and Legal Advertisements

- (a) Whenever, by County Code, 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, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication.
- (b) A link to advertisements, publications, and public notices published on a publicly accessible website must 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.

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CHAPTER 2, ARTICLE IV, BOARDS AND COMMISSIONS

Sec. 2-210-POWERS AND DUTIES, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

(9) To make and prescribe such rules as are reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this division. Said rules shall not become effective until a public hearing before the board has been approved by the board and filed with the clerk of the board. A notice stating the time and place of the hearing and the general nature of the proposed rule shall be served by regular mail on the affected utilities two (2) weeks before the date of the hearing and shall be published by the board in a newspaper of general circulation in Marion County, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, once a week for two (2) consecutive weeks before the date of the hearing. Upon approval by the board, such rules shall have the full force and effect of law within Marion County.

Sec. 2-111. RATES AND RATE-MAKING PROCEDURES, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

(a) The authority shall establish or change the rates and charges for utility services which it owns, operates, or contracts for on an equitable basis. Such rates and charges shall be established or changed by resolution of the authority adopted at a public hearing. Notice of the public hearing shall be published at least once not less than ten (10) days prior to such public hearing in a newspaper of general circulation in the county, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication.

CHAPTER 2, ARTICLE V, CODE ENFORCEMENT

Sec. 2-210. NOTICES, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

(b) In addition to providing notice as set forth in subsection (a), above, at the option of the code enforcement board or special magistrate, notice may also be served by publication or posting, as follows:

- (1) Such notice shall be published once during each week for four (4) consecutive weeks, four (4) publications being sufficient, in a newspaper of general circulation in Marion County or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication. The publication ~~newspaper~~ shall meet such requirements as are prescribed in F.S. Ch. 50, for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.

CHAPTER 2, ARTICLE IX, SURPLUS REAL PROPERTY DISPOSITION

Sec. 2-283. Standards and procedures for disposition of surplus real property, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

(c) Upon determination by the board to accept bids for a surplus parcel or parcels, the board shall cause to be published in a newspaper of general circulation published in the county, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, a notice of intent to consider disposition of county property once a week for at least two (2) consecutive weeks. Such surplus lands and any terms or conditions established by the board, shall be described in the notice. The notice shall include a provision notifying the public of the means of obtaining copies of the standards and procedures for disposition. The bid package shall constitute the standards upon which disposition will be determined.;

(f) Prior to final action approving the disposition of such parcel or parcels, the board shall cause to be published once a week for at least two (2) consecutive weeks, in a newspaper of general circulation published in the county, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, notice of the board's intent to consider final action on the disposition of a surplus parcel or parcels. The notice shall include the description of the parcel, the proposed purchase price, the date and the time of the regular meeting of the board at which final action will be considered on the proposed disposition. Said notice shall include a provision that interested persons may object either in person at said regular meeting, or by submitting written objections prior to said regular meeting. The board shall, on the date and time

as established in the notice, consider all objections and, by majority vote, either approve or reject the proposed disposition.

(5) Prior to final action approving the disposition of such parcel or parcels, the board shall cause to be published once a week for at least two (2) consecutive weeks, in a newspaper of general circulation published in the county, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, the board's intent to consider final action on the disposition of a surplus parcel or parcels. The notice shall include the description of the parcel, the proposed purchase price, the date and the time of the regular meeting of the board at which final action will be considered on the proposed disposition. Said notice shall include a provision that interested persons may object either in person at said regular meeting, or by submitting written objections prior to said regular meeting. The board shall, on the date and time as established in the notice, consider all objections and, by majority vote, either approve or reject the proposed disposition.

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CHAPTER 9, ARTICLE III. LOCAL HOUSING ASSISTANCE

Sec. 9.3-48. Adoption of affordable housing incentive plan, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

(o) The affordable housing advisory committee shall submit its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies approved by an affirmative vote of a majority of its entire membership at a public hearing. Public notice of committee meeting shall include the time, date and place and shall be published in a newspaper of general paid circulation in the county or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication. The notice shall provide a short and concise summary of the evaluation and affordable housing incentive plan recommendations to be considered by the committee. The notice shall state the public place where a copy of the evaluation and tentative advisory committee recommendations can be obtained by interested persons. The final report, evaluation, and recommendations shall be submitted to the corporation.

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CHAPTER 10, ARTICLE XI. IMPACT FEE FOR TRANSPORTATION FACILITIES

Sec. 10-284. Notice of impact fee rates, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

Upon adoption of this article or any amendment hereto imposing revised impact fee rates or revising the land use categories for any impact fee, the county administrator shall publish a notice once in a newspaper of general circulation within the county or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication which notice shall include:

(1) A brief and general description of the affected impact fee;

- (2) A description of the geographic area in which the impact fee will be collected;
- (3) Impact fee rates to be imposed for each land use category for the applicable impact fee; and
- (4) The date of implementation of the impact fee rates set forth in the notice, which date shall not be earlier than ninety (90) days after the date of publication of the notice.

CHAPTER 10, ARTICLE XV. EDUCATIONAL SYSTEM IMPACT FEE

Sec. 10-449. Notice of impact fee rates, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

Upon adoption of this article or any amendment hereto imposing revised educational system impact fee rates or revising the land use categories for any educational system impact fee, the county administrator shall publish a notice once in a newspaper of general circulation within the county or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication which notice shall include:

- (1) A brief and general description of the affected educational system impact fee;
- (2) A description of the geographic area in which the educational system impact fee will be collected;
- (3) The educational system impact fee rates to be imposed for each land use category for the applicable educational system impact fee; and
- (4) The date of implementation of the educational system impact fee rates set forth in the notice, which date shall not be earlier than ninety (90) days after the date of publication of the notice.

CHAPTER 10, ARTICLE XII. INFRASTRUCTURE SALES SURTAX

Sec. 10-354. Notice of sales surtax extension referendum, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

As required by law, notice of the sales surtax extension referendum in substantially the form attached hereto as exhibit A shall be published in the Ocala Star Banner or any other newspaper published and of general circulation in the area of the county, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, at least twice, once in the fifth week and once in the third week prior to the week in which the referendum is to be held. This article shall be published in full as part of the notice of such surtax referendum.

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CHAPTER 11, ARTICLE IV. DRUG-RELATED PUBLIC NUISANCE ABATEMENT

Sec. 11-92. Same—Operating procedures regarding complaints, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

(c) The board shall schedule a hearing, and written notice of the hearing shall be sent by certified mail or by personal service to the owner, and if appropriate, to the operator, of the place or premises complained of at least fourteen (14) days prior to the scheduled hearing. If an attempt to reach the owner or operator by personal service or certified mail is unsuccessful, notice of the hearing shall be published in accordance with chapter 49 of the Florida Statutes once each week for two (2) consecutive weeks in a newspaper of general circulation in the county, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, with the final publication being at least two (2) weeks prior to the hearing.

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CHAPTER 17, ARTICLE III. IMPROVEMENT AREAS AND ASSESSMENT PROCEDURES, DIVISION 3. ASSESSMENTS

Sec. 17-54. Notice by publication, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

After filing the assessment roll in the office of the assessment coordinator, as required by subsection 17-53(b) hereof, the assessment coordinator shall publish once in a newspaper of general circulation within the county or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, a notice stating that at a public hearing of the board will be held on a certain day and hour, not earlier than twenty (20) calendar days from such publication, at which hearing the board will receive written comments and hear testimony from all interested persons regarding creation of the improvement area and adoption of the final assessment resolution. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

CHAPTER 17, ARTICLE IV. STORMWATER MANAGEMENT, DIVISION 3. ASSESSMENTS

Sec. 17-125. Notice by publication, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

After filing the stormwater assessment roll in the office of the stormwater program director, as required by section 17-124 hereof, the stormwater program director shall publish once in a newspaper of general circulation within the county, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, a notice stating that a public hearing of the board will be held on a certain day and hour, not earlier than twenty (20) calendar days from such publication, at which hearing the board will receive written comments and hear testimony from all interested persons regarding adoption of the final stormwater service assessment resolution and approval of the stormwater assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act.

CHAPTER 17, ARTICLE V. FIRE RESCUE ASSESSMENT, DIVISION 2. ANNUAL FIRE RESCUE ASSESSMENTS

Sec 17-224. Notice by publication, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

Upon completion of the initial assessment roll, the county administrator shall publish, or direct the publication of, once in a newspaper of general circulation within the county, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, a notice stating that at a meeting of the board on a certain day and hour, not earlier than twenty (20) calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, the board will hear objections of all interested persons to the final assessment resolution which shall establish the rate of assessment and approve the aforementioned initial assessment roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include (A) a geographic depiction of the property subject to the fire rescue assessment; (B) a brief and general description of the fire rescue services, facilities, or programs to be provided; (C) the rate of assessment including a maximum assessment rate in the event one was adopted by in the initial assessment resolution; (D) the procedure for objecting provided in section 17-226 hereof; (E) the method by which the fire rescue assessment will be collected; and (F) a statement that the initial assessment roll is available for inspection at the office of the county administrator and all interested persons may ascertain the amount to be assessed against a parcel of assessed property at the office of the county administrator.

CHAPTER 17, ARTICLE VI. LOCAL PROVIDER PARTICIPATION FUND

Sec. 17-301. Notice by publication, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

Upon completion of the non-ad valorem assessment roll, the assessment coordinator shall publish once in a newspaper of general circulation within the county, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, a notice stating that at a meeting of the board on a certain day and hour, not earlier than twenty (20) calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, the board will hear objections of all interested persons to approve the aforementioned non-ad valorem assessment roll. Such notice shall include:

- (1) The assessment rate;
- (2) The procedure for objecting to the assessment rate;
- (3) The method by which the assessment will be collected; and
- (4) A statement that the non-ad valorem special assessment roll is available for inspection at the office of the assessment coordinator.

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CHAPTER 19, ARTICLE II. INDUSTRIAL PRETREATMENT, DIVISION 7. COMPLIANCE MONITORING

Sec. 19-88. Publication of users in significant noncompliance, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

The Administrator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4), or (8) of this Section, and shall mean:

Chapter 19, ARTICLE III. WATER AND WASTEWATER FACILITIES, DIVISION 2. SERVICE AVAILABILITY AND EXTENSION

Sec. 19-123. Application for service, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

(d) The county may designate a period of time (hereinafter referred to as an "allocation period") when all those persons or entities who own land within all or a portion of the county's water and wastewater system service area shall apply and pay applicable fees to the county for water and wastewater service capacity in the county's water and wastewater system. The board of county commissioners by resolution may offer water and/or wastewater service capacity to certain portions of said service area in advance of or at differing times than other portions. The board of county commissioners may by resolution designate all or any portion of its service area and offer water and/or wastewater service capacity to certain portions of said service area in advance of other portions. The county shall publish notice of the times and location for acceptance of applications and payment of applicable fees in a newspaper of general circulation in Marion County, or on a publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication, at least five (5) days prior to the beginning of an allocation period.

CHAPTER 19, ARTICLE III, WATER AND WASTEWATER FACILITIES, DIVISION 5, SHORT WATER LINE EXTENSION PROGRAM/IN-HOUSE WATER LINE EXTENSION PROGRAM,

Section 19-216 Application/project requirements and prioritizations, is hereby amended to which section reads as follows (additions shown in underline text and deletions are shown in ~~strikeout~~ text):

(b) Applications - short water line extension program only.

- (1) The county will accept applications for the short water line extension program under this division beginning on October 1 of each fiscal year or such later date as determined by the county administrator or their designee. The initial application period shall remain open for so long as funding is available and may be reopened during the fiscal year if additional funding is provided at the county administrator's sole discretion. The county will provide notice in a newspaper of general circulation within the county or on a

publicly accessible website, pursuant to Chapter 50, Florida Statutes, in lieu of newspaper publication and on its website at least seven (7) days prior to the opening of any application period. Such notice will specify the date on which the county will begin to accept applications.

SECTION 4. Inclusion in the Code. It is the intent of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be part of the Marion County, Florida Code of Ordinances; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intent; and that the word “ordinance” may be changed to “section,” “article,” or other appropriate designation.

SECTION 5. Conflicting Provisions. In the event of any conflict between any provision of this Ordinance and any provision of another section of the County Code, the provisions of this Ordinance shall govern.

SECTION 6. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any provision, including any exception, part, phrase or term or the application thereof to any person or circumstance is held preempted or invalid by a Court of appropriate jurisdiction, the application to other persons or circumstances shall not be affected thereby, and the validity of this Ordinance in any and all other respects shall not be affected thereby. The Board of County Commissioners do not intend this this Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional as constitutionally permitted construction is intended and shall be given.

SECTION 7. Filing with Secretary of State. A certified copy of this Ordinance shall be filed with the Secretary of State by the Clerk within ten (10) days after enactment by the Board of County Commissioners, as provided in Section 125.66(2)(b), Florida Statutes.

SECTION 8. Effective Date. This Ordinance shall become effective upon receipt of confirmation that it has been filed with the Office of the Secretary of State of the State of Florida.

DULY ADOPTED this _____ of _____, 2025.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**

KATHY BRYANT, CHAIRMAN

ATTEST:

GREGORY C. HARRELL, CLERK

APPROVED AS TO FORM:

MATTHEW G. MINTER, COUNTY ATTORNEY