

1 Introduced by the Council President at the request of the Mayor:
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3

4 **ORDINANCE 2023-187**

5 AN ORDINANCE REGARDING THE CITY'S ESTABLISHMENT
6 OF A PUBLICLY ACCESSIBLE WEBSITE TO PUBLISH
7 PUBLIC ADVERTISEMENTS AND PUBLIC NOTICES
8 PURSUANT TO SECTION 50.0311 (PUBLICATION OF
9 ADVERTISEMENTS AND PUBLIC NOTICES ON A PUBLICLY
10 ACCESSIBLE WEBSITE AND GOVERNMENTAL ACCESS
11 CHANNELS), CHAPTER 50 (LEGAL AND OFFICIAL
12 ADVERTISEMENTS), *FLORIDA STATUTES*; AMENDING
13 SECTION 122.425 (DISPOSITION BY AUCTION OR
14 SEALED BID) AND SECTION 122.430.3 (EXCHANGES),
15 SUBPART B (REAL PROPERTY DISPOSITIONS AND
16 EXCHANGES), PART 4 (REAL PROPERTY), CHAPTER 122
17 (PUBLIC PROPERTY), *ORDINANCE CODE*; AMENDING
18 SECTION 122.811 (SALES OF TANGIBLE PERSONAL
19 PROPERTY; PROHIBITION OF SALES TO CERTAIN
20 PERSONS) AND SECTION 122.814 (DISPOSAL OF
21 SURPLUS TIMBER), PART 8 (TANGIBLE PERSONAL
22 PROPERTY), CHAPTER 122 (PUBLIC PROPERTY),
23 *ORDINANCE CODE*; AMENDING SECTION 362.203
24 (DECLARATION OF WATER POLLUTION EMERGENCY) AND
25 SECTION 362.209 (MODIFICATION, EXTENSION AND
26 CANCELLATION OF DECLARATION), PART 2 (WATER
27 POLLUTION EMERGENCY), CHAPTER 362 (AIR AND WATER
28 POLLUTION), *ORDINANCE CODE*; AMENDING SECTION
29 382.302 (ADJUSTMENT OF SERVICE AREAS) AND
30 SECTION 382.306 (PUBLIC HEARING ON AWARD OF NEW
31 CONTRACT), PART 3 (SELECTION OF WASTE COLLECTION

1 AND DISPOSAL SERVICE AREAS AND CONTRACTORS),
2 CHAPTER 382 (WASTE COLLECTION AND DISPOSAL
3 SERVICE BY CONTRACTORS AND CITY), *ORDINANCE*
4 *CODE*; AMENDING SECTION 501.109 (FILING REPORTS),
5 CHAPTER 501 (JACKSONVILLE ENTERPRISE ZONE),
6 *ORDINANCE CODE*; AMENDING SECTION 656.1015
7 (PUBLIC AWARENESS), SUBPART B (REQUIREMENTS FOR
8 BOTH CIVILIAN AND MILITARY AIRPORTS), PART 10
9 (REGULATIONS RELATED TO AIRPORTS AND LANDS
10 ADJACENT THERETO), CHAPTER 656 (ZONING CODE),
11 *ORDINANCE CODE*; DIRECTING THE INFORMATION
12 TECHNOLOGY DIVISION TO MAINTAIN A PUBLICLY
13 ACCESSIBLE WEBSITE PURSUANT TO SECTION 50.0311,
14 *FLORIDA STATUTES*; PROVIDING FOR OVERSIGHT BY THE
15 INFORMATION TECHNOLOGY DIVISION; PROVIDING FOR
16 CODIFICATION INSTRUCTIONS; PROVIDING AN
17 EFFECTIVE DATE.

18
19 **WHEREAS**, pursuant to Section 50.0311 (Publication of
20 advertisements and public notices on a publicly accessible website
21 and governmental access channels), Chapter 50 (Legal and Official
22 Advertisements), *Florida Statutes*, counties and municipalities are
23 permitted to use a publicly accessible website, as defined in Section
24 50.0311(2), *Florida Statutes*, to publish legally required
25 advertisements and public notices; and

26 **WHEREAS**, pursuant to Section 50.0311, *Florida Statutes*, the City
27 has determined that the cost of publishing advertisements and public
28 notices on a publicly accessible website are less than the costs of
29 publishing such advertisements and notices in a newspaper; and

30 **WHEREAS**, the City believes that publishing certain
31 advertisements and public notices via a publicly accessible website

1 will be more economical and beneficial to the citizens of Jacksonville
2 in various ways; now therefore

3 **BE IT ORDAINED** by the Council of the City of Jacksonville:

4 **Section 1. Recitals.** The recitals above are incorporated
5 herein by this reference.

6 **Section 2. Findings.** It is hereby ascertained, determined,
7 found, and declared as follows:

8 (a) The recitals set forth herein are true and correct.

9 (b) The City through its Information Technology Division has
10 established a publicly accessible website in compliance with Section
11 50.0311, *Florida Statutes*.

12 (c) The City's costs to maintain a publicly accessible website
13 in compliance with Section 50.0311, *Florida Statutes*, are less than
14 the City's costs to publish legally required advertisements and public
15 notices in local newspapers.

16 (d) This ordinance is adopted pursuant to the provisions of
17 Chapters 50, 166 and 125, *Florida Statutes*, as amended, the City's
18 Charter, and other applicable provisions of law.

19 **Section 3. Amending Section 122.425 (Disposition by auction
20 or sealed bid) and Section 122.430.3 (Exchanges), Subpart B (Real
21 Property Dispositions and Exchanges), Part 4 (Real Property), Chapter
22 122 (Public Property), Ordinance Code.** Section 122.425 (Disposition
23 by auction or sealed bid) and Section 122.430.3 (Exchanges), Subpart
24 B (Real Property Dispositions and Exchanges), Part 4 (Real Property),
25 Chapter 122 (Public Property), *Ordinance Code*, are hereby amended as
26 follows:

27 **CHAPTER 122 - PUBLIC PROPERTY**

28 * * *

29 **PART 4. REAL PROPERTY**

30 * * *

31 **SUBPART B. REAL PROPERTY DISPOSITIONS AND EXCHANGES**

1 * * *

2 **Sec. 122.425. - Disposition by auction or sealed bid.**

3 (a) Public auction. If the Chief of the Real Estate Division
4 determines that a property may be more advantageously
5 disposed of by public auction, the Chief may sell the property
6 at public auction to the highest and best bidder for cash,
7 after publication of a notice of the auction in a newspaper
8 of general circulation in the City, or via such other
9 electronic advertisement or notice method as permitted by
10 law, published at least ten days before the date of the
11 auction, setting forth the date, time and place of the auction
12 and a legal description and street address (if available) of
13 the surplus real property. Persons who have requested notice
14 from the Real Estate Division of auctions of City-owned
15 property shall be notified of the date and time and place of
16 property auctions.

17 (b) *Sealed bid.* The Real Estate Division may choose to submit any
18 City-owned surplus property to the Procurement Division for
19 sale through a sealed bid process. The Real Estate Division
20 may request the Procurement Division to advertise the
21 property for sale in a local newspaper of general circulation,
22 or via such other electronic advertisement or notice method
23 as permitted by law, for a minimum bid equal to the appraised
24 value, if an appraisal was obtained, but no less than 25% of
25 the assessed value. The bidding period shall remain open for
26 ten days after publication of the notice. The property shall
27 be sold to the highest bidder for cash whose bid meets or
28 exceeds the minimum bid.

29 * * *

30 **Sec. 122.430.3. - Exchanges.**

1 (a) *Notice.* Before any exchange of property occurs, a notice
2 setting forth the terms and conditions of the exchange of
3 property shall be published once a week for at least two weeks
4 in a newspaper of general circulation published in the City,
5 or via such other electronic advertisement or notice method
6 as permitted by law, before the exchange of properties.

7 * * *

8 **Section 4. Amending Section 122.811 (Sales of tangible**
9 **personal property; prohibition of sales to certain persons) and**
10 **Section 122.814 (Disposal of surplus timber), Part 8 (Tangible**
11 **Personal Property), Chapter 122 (Public Property), Ordinance Code.**
12 Section 122.811 (Sales of tangible personal property; prohibition of
13 sales to certain persons), and Section 122.814 (Disposal of surplus
14 timber), Part 8 (Tangible Personal Property), Chapter 122 (Public
15 Property), *Ordinance Code*, are amended as follows:

16 **CHAPTER 122 - PUBLIC PROPERTY**

17 * * *

18 **PART 8. TANGIBLE PERSONAL PROPERTY**

19 * * *

20 **Sec. 122.811. - Sales of tangible personal property; prohibition of**
21 **sales to certain persons.**

22 (a) The procedures in Section 126.202 may be used with respect to
23 sales of tangible personal property where the estimated sales
24 price exceeds \$1,000, except that awards shall be made to the
25 highest, rather than the lowest, responsible bidder meeting
26 or exceeding published specifications. In the alternative,
27 the Chief of Procurement may sell the property at a public
28 auction, be it in-person or online, to the highest responsible
29 bidder, payable by a method accepted by the applicable
30 auctioneer. Notice of the date, time and place of an in-
31 person auction, as well as a general description of the items

1 to be offered for sale, shall be published in a newspaper of
2 general circulation in the City ,or via such other electronic
3 advertisement or notice method as permitted by law, and on
4 the Procurement Division's public website, at least ten days
5 prior to the in-person auction date. Online auctions shall
6 take place at a time and duration as determined by the Chief
7 of Procurement without such notification requirement,
8 provided that a description of the online auction process and
9 a link to the online auctioneer's website is published on the
10 Procurement Division's public website.

11 * * *

12 **Sec. 122.814. - Disposal of surplus timber.**

13 The disposal of cut or uncut timber, after being declared surplus
14 by the using agency and the permit required by chapter 304 having
15 been obtained, may be made by the Chief of Procurement according to
16 the following:

17 (a) If the estimated value is \$1,000 or more, to the highest
18 bidder meeting or exceeding specifications after publication in a
19 local newspaper of general circulation or via such other electronic
20 advertisement or notice method as permitted by law.

21 * * *

22 **Section 5. Amending Section 362.203 (Declaration of water**
23 **pollution emergency) and Section 362.209 (Modification, extension and**
24 **cancellation of declaration), Part 2 (Water Pollution Emergency),**
25 **Chapter 362 (Air and Water Pollution), Ordinance Code.** Section 362.203
26 (Declaration of water pollution emergency) and Section 362.209
27 (Modification, extension and cancellation of declaration), Part 2
28 (Water Pollution Emergency), Chapter 362 (Air and Water Pollution),
29 *Ordinance Code*, are hereby amended as follows:

30 **CHAPTER 362 - AIR AND WATER POLLUTION**

31 * * *

1 which area a water pollution emergency presently exists. The Mayor
2 may cancel his declaration that a water pollution emergency exists
3 within the City, or such part hereof as may then be covered by the
4 declaration; in such event, the cancellation shall be published once
5 in a newspaper of general circulation in the City, or via such other
6 electronic advertisement or notice method as permitted by law, and
7 publicized by all available media of communication to the general
8 public.

9 * * *

10 **Section 6. Amending Section 382.302 (Adjustment of service**
11 **areas) and Section 382.306 (Public hearing on award of new contract),**
12 **Part 3 (Selection of Waste Collection and Disposal Service Areas and**
13 **Contractors), Chapter 382 (Waste Collection and Disposal Service by**
14 **Contractors and City), Ordinance Code.** Section 382.302 (Adjustment
15 of service areas) and Section 382.306 (Public hearing on award of new
16 contract), Part 3 (Selection of Waste Collection and Disposal Service
17 Areas and Contractors), Chapter 382 (Waste Collection and Disposal
18 Service by Contractors and City), *Ordinance Code*, are hereby amended
19 as follows:

20 **CHAPTER 382 - WASTE COLLECTION AND DISPOSAL SERVICE BY CONTRACTORS**
21 **AND CITY**

22 * * *

23 **PART 3. - SELECTION OF WASTE COLLECTION AND DISPOSAL SERVICE AREAS**
24 **AND CONTRACTORS**

25 * * *

26 **Sec. 382.302. - Adjustment of service areas.**

- 27 (a) During each subsequent fifth contract year of each contract
28 or extension, after giving at least fifteen days' notice
29 of a public hearing by publication one time in a newspaper
30 of general circulation in the city, or via such other
31 electronic advertisement or notice method as permitted by

1 necessary and proper.

2 * * *

3 **Section 7. Amending Section 501.109 (Filing reports),**
4 **Chapter 501 (Jacksonville Enterprise Zone), Ordinance Code.** Section
5 501.109 (Filing reports), Chapter 501 (Jacksonville Enterprise Zone),
6 *Ordinance Code*, is hereby amended as follows:

7 **CHAPTER 501 - JACKSONVILLE ENTERPRISE ZONE**

8 * * *

9 **Sec. 501.109. - Filing reports.**

10 The Agency shall file with the council, on or before march 31
11 of each year, a report of its activities for the preceding fiscal
12 year, which report shall include a complete financial statement
13 setting forth its assets, liabilities, income and operating expenses
14 as of the end of such fiscal year. At the time of filing the report,
15 the Agency shall publish in a newspaper of general circulation, or
16 via such other electronic advertisement or notice method as permitted
17 by law, in the community a notice to the effect that such a report
18 has been filed with the City and that the report is available for
19 inspection during business hours in the Office of the Secretary of
20 the Council and in the office of the Agency.

21 * * *

22 **Section 8. Amending Section 656.1015 (Public Awareness),**
23 **Subpart B (Requirements for Both Civilian and Military Airports),**
24 **Part 10 (Regulations Related to Airports and Lands Adjacent Thereto),**
25 **Chapter 656 (Zoning Code), Ordinance Code.** Section 656.1015 (Public
26 Awareness), Subpart B (Requirements for Both Civilian and Military
27 Airports), Part 10 (Regulations Related to Airports and Lands Adjacent
28 Thereto), Chapter 656 (Zoning Code), *Ordinance Code*, is hereby amended
29 as follows:

30 **CHAPTER 656 - ZONING CODE**

31 * * *

1 Office of General Counsel are authorized to make all chapter and
2 division "tables of contents" consistent with the changes set forth
3 herein. Such editorial changes and any others necessary to make the
4 *Ordinance Code* consistent with the intent of this legislation are
5 approved and directed herein, and changes to the *Ordinance Code* shall
6 be made forthwith and when inconsistencies are discovered.

7 **Section 12. Effective Date.** This Ordinance shall become
8 effective upon signature by the Mayor or upon becoming effective
9 without the Mayor's signature.

10
11
12 Form Approved:

13
14 /s/ James R. McCain, Jr.

15 Office of General Counsel

16 Legislation Prepared by: Lawsikia J. Hodges

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