

ORDINANCE NO. 2025-06

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE I TO ESTABLISH A NEW SECTION 2-5 DESIGNATING THE CITY ATTORNEY AS THE CITY'S REGISTERED AGENT FOR PURPOSES OF ACCEPTING SERVICE OF ORIGINAL PROCESS ; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port Orange is a municipal corporation duly formed and existing under the Florida Constitution and the laws of the State of Florida; and

WHEREAS, the City of Port Orange has authority to exercise broad municipal home rule powers under Section 2, Article VIII, Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, as a municipal corporation and subdivision of the State of Florida, the City of Port Orange may sue and be sued; and

WHEREAS, a civil action is ordinarily commenced when a complaint or petition is filed in a court having jurisdiction over the parties and the subject matter of the dispute; and

WHEREAS, § 48.111 of the Florida Statutes prescribes the procedures and order by which service of original process (i.e. service of a summons and copy of the initial pleading or petition) shall be made on a municipal corporation; and

WHEREAS, circumstances routinely arise where it is impossible or impractical to serve original process on the city's elected officials; and

WHEREAS, in the interest of judicial economy, the city council hereby determines that the City Attorney or any employee within the City Attorney's Office should serve as its registered agent for purposes of accepting service of process; and

WHEREAS, for purposes of this Ordinance, text with underlined (underlined) type shall constitute additions to the original text and text with strike-through (~~strike-through~~) type shall constitute deletions to the original text;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

SECTION 1. The City Council of the City of Port Orange, Florida hereby establishes Chapter 2, Article I, Section 2-5 of the Code of Ordinances to read as follows:

Sec. 2-5. – Registered agent.

In accordance with § 48.111 of the Florida Statutes related to service of process on public agencies, the city hereby designates its city attorney, and in his/her absence, any employee in the city attorney's office, as its registered agent to accept service of original process (i.e. service of a summons and copy of initial pleading or petition) in any civil action filed against the city.

SECTION 2. The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Port Orange, and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5. This ordinance shall become effective immediately upon final passage by the City Council.

MAYOR SCOTT STILTNER

ATTEST:

Robin L. Fenwick, MMC, City Clerk

Passed on first reading on the day of _____, 2025

Passed and adopted on second and final reading on the day of _____, 2025

Reviewed and Approved: _____
Matthew Jones, City Attorney

[CA-8591]