

Deferred to a Later Date

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - December 12, 2017

December 12, 2017 - Regular Meeting
Agenda Item #43

Subject

Amendments to Secondhand Dealers Ordinance (Ord. 17-54)

Briefings

None

Contact and/or Presenter Information

Detective April Culbreath, Manatee County Sheriff's Office
Michele Hall, General Counsel, Manatee County Sheriff's Office
Alexandria Nicodemi, Assistant County Attorney, ext. 3750

Action Requested

Adoption of Ordinance 17-54, amending Sections 2-19-104 through 2-19-106, modifying the regulations imposed upon secondhand dealers.

Enabling/Regulating Authority

Section 125.01, Florida Statutes

Background Discussion

The Manatee County Sheriff's Office submitted a Request for Legal Services to the County Attorney's Office (CAO) on September 6, 2017, requesting amendment of the current ordinance that regulates secondhand dealers. Said ordinance would replace Sections 2-19-104 through 2-19-106 of the Manatee County Code of Ordinances, and would require secondhand dealers to meet more stringent standards of notification of sale after a holding period.

Assistant County Attorney Alexandria Nicodemi has prepared Ordinance 17-54 for Board consideration, and same is attached. Pursuant to Section 125.66, Florida Statutes, a Notice of Public Hearing was published in the *Bradenton Herald* on Tuesday, November 28, 2017.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

Although the Ordinance and the agenda item have been prepared by the CAO, the Sheriff's Office will take the lead in presenting this item to the Board of County Commissioners.

Reviewing Attorney

Nicodemi

Instructions to Board Records

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - December 12, 2017

Assuming adoption, provide a fully executed copy of the Ordinance to Assistant County Attorney Alexandria Nicodemi and to Information Outreach Manager Nicholas Azzara.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Ordinance 17-54.pdf](#)

Attachment: [Affidavit - Notice of Public Hearing - Ordinance 17-54.pdf](#)

ORDINANCE NO. 17-54

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PERTAINING TO SECONDHAND DEALERS; AMENDING SECTIONS 2-19-104 THROUGH 2-19-106 OF THE MANATEE COUNTY CODE; AMENDING THE DEFINITION FOR PERSONAL IDENTIFICATION CARD; AMENDING TRANSACTION RECORDS TO REQUIRE COLOR PHOTOCOPIES AND PHOTOGRAPHS; REQUIRING NOTIFICATION WHEN HOLDING PERIOD EXPIRES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manatee County Ordinance 14-12 regulates the secondhand dealer marketplace consistent with Chapter 538, Florida Statutes; and

WHEREAS, the Manatee County Sheriff's Office ("MCSO") has difficulty identifying and prosecuting individuals who buy and sell stolen goods under the current regulatory standards; and

WHEREAS, the MCSO requests that the Manatee County Board of County Commissioners modify the existing Ordinance in order to reduce the use of fraudulent identification in secondhand dealer transactions and to ease the procedure of uniting property owners with their belongings; and

WHEREAS, the identification and prosecution of individuals who sell stolen goods to a secondhand dealer impacts the public health, safety, and welfare of the residents of Manatee County; and

WHEREAS, Manatee County, as a political subdivision of the State of Florida, pursuant to Chapter 538, Florida Statutes, may enact more restrictive laws than found in state law to regulate secondhand dealers in the interest of public safety; and

WHEREAS, the Manatee County Board of County Commissioners finds that Code amendments included within this Ordinance are in the best interests of Manatee County and its citizens, taxpayers, and business community.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Section 2-19-104 of the Manatee County Code is hereby amended to read:

Article VIII. Secondhand Dealers.

Section 2-19-104. - Definitions.

(1) through (4): no change.

(5) “Personal identification card” means ~~any current, verifiable, government issued photographic identification card~~ a valid Florida driver’s license, a Florida identification card issued by the Department of Highway Safety and Motor Vehicles, an equivalent form of identification issued by another state, a passport, or employment authorization issued by the United States Bureau of Citizenship and Immigration Services that contains an individual’s photograph and current address.

(6) through (12): no change.

Section 2. Section 2-19-105 of the Manatee County Code is hereby amended to read:

Section 2-19-105. - Transaction records required.

(1) Transaction forms. All secondhand dealers shall complete the required transaction form for all transactions to which such secondhand dealer may be a party, at the time of the actual transaction in the presence of the seller. The seller must be offered a copy of each completed transaction form by the secondhand dealer.

(2) Maintaining transaction forms. A secondhand dealer shall maintain the original completed transaction form, bearing the seller’s original signature and fingerprint on the register premises for at least one year after the date of the transaction. However, the secondhand dealer shall also maintain a copy of the transaction form, whether on-site or off-site, for a period not less than five (5) years. The following shall be collected and maintained with a transaction form:

(a) A clear, identifiable color photocopy, digital image, or photograph of the personal identification card presented by the seller at the time of each transaction.

(b) A clear and identifiable color photograph, videotape, or digital image of the person receiving consideration in which such person’s facial features are clearly visible and free from obstruction by any object, including sunglasses or hats.

(c) A clear color photograph, videotape, or digital image that allows for identification of each item being sold. Multiple items may be included in the same photograph, videotape, or digital image, but only if it allows for clear identification of each item.

(3) through (4): no change.

Section 3. Section 2-19-106 of the Manatee County Code is hereby amended to read:

Section 2-19-106. - Holding Period.

(1) A secondhand dealer must maintain actual physical possession of all regulated secondhand goods on the registered premises throughout the required hold period.

(2) A secondhand dealer shall not sell, barter, exchange, alter, adulterate, use, or in any way dispose

of any regulated secondhand good received as part of a transaction for a period of thirty (30) calendar days from the date the transaction record was received by the Manatee County Sheriff's Office.

(3) Ten (10) days prior to the expiration of the required hold period, the secondhand dealer shall notify, in writing, the appropriate law enforcement official by certified mail, return receipt requested, of the date on which the hold period will expire. If the secondhand dealer has not received a court order extending the hold period on the property, then title to the property shall vest in and be deemed conveyed by operation of law to the secondhand dealer, free of any liability for claims but subject to the provisions of this section.

Section 4. If any section, subsection, sentence, clause, provision, or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity. The Manatee County Board of County Commissioners expressly indicates that it desires any remainder of the Ordinance to withstand any severed provision, as it would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 5. For purposes of codification of any section of the Manatee County Code herein amended, words that are underlined represent additions to the original text, and words ~~stricken~~ are deletions from the original text.

Section 6. The Codifier shall codify the substantive amendments to the Manatee County Code contained in Sections 1 through 3 of this Ordinance as provided for therein, and shall not codify any other sections not designated for codification.

Section 7. This Ordinance shall take effect immediately upon filing with the Department of State.

DULY ADOPTED with a quorum present and voting this ____ day of _____, 2017.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

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Bradenton, FL 34206-0921
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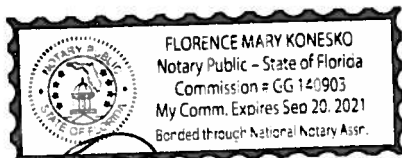
STATE OF FLORIDA COUNTY OF MANATEE

Before the undersigned authority personally appeared Donna Stults, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Notice of Public Hearing**, was published in said newspaper in the issue(s) of **11/28/2017**.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn to and subscribed before me this
29 Day of Nov, 2017



SEAL & Notary Public
Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____



NOTICE OF PUBLIC HEARING

NOTICE IF HEREBY GIVEN pursuant to Section 125.66, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing on the **12th day of December 2017, at 9:00 a.m.**, or as soon thereafter in the Commission Chambers on the First Floor of the Manatee County Government Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida, 34205, to consider, act upon, adopt, or reject the following ordinance:

ORDINANCE NO. 17-54

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, PERTAINING TO SECONDHAND DEALERS; AMENDING SECTIONS 2-19-104 THROUGH 2-19-106 OF THE MANATEE COUNTY CODE; AMENDING THE DEFINITION FOR PERSONAL IDENTIFICATION CARD; AMENDING TRANSACTION RECORDS TO REQUIRE COLOR PHOTOCOPIES AND PHOTOGRAPHS; REQUIRING NOTIFICATION WHEN HOLDING PERIOD EXPIRES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Copies of proposed **ORDINANCE 17-54** may be inspected by the public during normal business hours in the Office of the County Attorney, 1112 Manatee Avenue West, Suite 969, Bradenton, Florida. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony and evidence upon which the appeal is to be based.
11/28/2017

MEMORANDUM



To: Ed Hunzeker, County Administrator
From: Diane Vollmer, Agenda Coordinator
Date: December 11, 2017
Subject: **Agenda Update for Meeting of December 12, 2017**

THIS MEMO AND THE CHANGES INDICATED BELOW ARE REFLECTED IN THE ELECTRONIC AGENDA (E-AGENDA)

CHANGES TO CONSENT AGENDA

FINANCIAL MANAGEMENT

15. **FY18 Budget Amendment Resolutions** – Resolution B-18-019 was replaced to update the Description for Item No. 2 to read: “...and transfers \$203,390 from the Boards Reserve for Contingency to budget for the operation, maintenance and event management of the Premier Sports Campus...” and to update the General Fund Reserve balance to \$846,610.

CHANGES TO ADVERTISED PUBLIC HEARINGS

ATTORNEY

43. **Amendments to Secondhand Dealers Ordinance (Ord. 17-54)** – To be deferred to a later date.

County Administrator's Office
1112 Manatee Avenue West, Bradenton, FL 34205
Phone number: (941) 745-3717

RESOLUTION B-18-019
AMENDING THE ANNUAL BUDGET
FOR MANATEE COUNTY, FLORIDA
FOR FISCAL YEAR 2017-2018

WHEREAS, Florida Statutes 129.06, authorizes the Board of County Commissioners to amend its budget for the current fiscal year as follows:

- a) Appropriations for expenditures in any fund may be decreased and other appropriations in the same fund correspondingly increased, provided the total appropriations of the fund are not changed.
- b) Appropriations from reserves may be made to increase the appropriation for any particular expense in the same fund, or to create an appropriation in the fund for any lawful purpose.
- c) Unanticipated revenues, including increased receipts for enterprise or proprietary funds, may be appropriated for their intended purpose, and may be transferred between funds to properly account for the unanticipated revenue.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida that the 2017-2018 budget is hereby amended in accordance with FS 129.06 as described on the attached summary and specified in the budget adjustment batch files which are listed below:

Transfer of Funds			Unanticipated Revenue Appropriations		
Item No.	Batch ID No.	Reference No.	Item No.	Batch ID No.	Reference No.
			1	ESB2117A/B	BU18000111
			2	CCC0617A	BU18000120

ADOPTED IN OPEN SESSION WITH A QUORUM PRESENT AND VOTING THIS _____ DAY OF _____, 2017.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: _____
Chairman

ATTEST: Angelina Colonnese
Clerk of the Circuit Court

By: _____
Deputy Clerk

BUDGET AMENDMENT RESOLUTION NO. B-18-019

AGENDA DATE: December 12, 2017

- 1) Department: PUBLIC WORKS
Fund: TRANSIT SYSTEM CAPITAL IMPROV
Description: Appropriates \$3,998,891 in the Transit System Capital Improvement fund for the Federal Transit Administration (FTA) Section 5307 FY2017 Urbanized Area Formula Funding Program Apportionment grant award. The agreement, FL-2017-111-00, was signed by the Board of County Commissioners on July 25, 2017.

Batch ID: ESB2117A/B

Reference: BU18000111

- 2) Department: BRADENTON AREA CONVENTION AND VISITORS BUREAU
Department: PROPERTY MANAGEMENT DEPARTMENT
Fund: GENERAL FUND
Fund: TOURIST DEVELOPMENT TAX
Description: Appropriates \$356,141 in program revenues in the General fund and transfers \$203,390 from the Boards Reserve for Contingency to budget for the operation, maintenance and event management of the Premier Sports Campus in Lakewood Ranch for FY18. The funding will be allocated between the Convention and Visitors Bureau and the Property Management department for related responsibilities. Also, transfers \$87,260 from reserves in the Tourist Development Tax fund to budget for the Sports Event Management of Premier Sports Campus.

Batch ID: CCC0617A

Reference: BU18000120

GENERAL FUND'S RESERVE FOR CONTINGENCY IS AFFECTED BY THIS BUDGET AMENDMENT. The balance of the FY17-18 General Fund Reserve is \$846,610.