

ORDINANCE NO. 18-26

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 DEFINITION FOR PERSONAL IDENTIFICATION CARD; AMENDING TRANSACTION RECORDS TO REQUIRE A COLORED PHOTOGRAPH; PROVIDING FOR 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, 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 ~~photograph, videotape, or~~ color 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, batter, 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) Upon the expiration of the holding period, the secondhand dealer shall notify, in writing, the appropriate law enforcement official by certified mail, return receipt requested, that the holding period has expired. If, on the tenth (10th) day after written notice has been received by the appropriate law enforcement official and the secondhand dealer has not received a court ordered extension of 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 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 24th day of April, 2018.



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

By: Priscilla Innes
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: Vicki Lesmer
Deputy Clerk

From: [Ords Admin](#)
To: [Vicki Tessmer](#)
Subject: RE: Manatee County, FL Code of Ordinances - 1981(10428) OrdLink/OrdBank
Date: Wednesday, April 25, 2018 8:09:13 AM
Attachments: [image002.png](#)

We have received your file.

Thank you and have a nice day,

Ords Administrator

ords@municode.com

1-800-262-2633

P.O. Box 2235

Tallahassee, FL 32316

When available, please send all documents in WORD format to Ords@municode.com. However, if WORD format is not available, we welcome any document format including PDF.

NB

municode

[Web](#) | [Legal](#) | [Pay](#)

From: Vicki Tessmer <vicki.tessmer@ManateeClerk.com>

Sent: Tuesday, April 24, 2018 4:09 PM

To: Ords Admin <ords@municode.com>

Subject: Manatee County Ord 18-26

Hello,

Please codify Manatee County Ordinance 18-26, adopted 4/24/18 by the Board of County Commissioners.

Thank you,

Vicki Tessmer

Supervisor, Board Records, Tax Deeds, and VAB

For Angelina "Angel" Coloneso

Clerk of the Circuit Court and Comptroller of Manatee County

www.manateeclerk.com

vicki.tessmer@manateeclerk.com

941-741-4081

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 25, 2018

Honorable Angelina Coloneso
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Vicki Tessmer

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance 18-26, which was filed in this office on April 24, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

From: ords@municode.com
To: [Vicki Tessmer](mailto:Vicki_Tessmer); tammy.larsen@mymanatee.org
Subject: Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 104
Date: Thursday, April 26, 2018 7:25:13 AM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)

****THIS IS AN AUTOMATICALLY GENERATED EMAIL****

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 104

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 18-08	4/5/2018	4/16/2018	Word
Ordinance No. 18-13	3/6/2018	3/9/2018	Word
Ordinance No. 18-21	3/6/2018	3/9/2018	Word
Ordinance No. 18-24	4/10/2018	4/13/2018	Word
Ordinance No. 18-26	4/24/2018	4/26/2018	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

4/24/18

April 24, 2018 - Regular Meeting
Agenda Item #44

Subject

Amendments to Secondhand Dealers Ordinance (Ord. 18-26)

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

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

Action Requested

Adoption of Ordinance 18-26, amending Sections 2-19-104 through 2-19-106, modifying the regulations imposed upon secondhand dealers.

Enabling/Regulating Authority

Section 125.01, Florida Statutes
Chapter 538, Florida Statutes

Background Discussion

The Manatee County Sheriff's Office (MCSO) 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. This matter was previously scheduled for a hearing before the Board of County Commissioners for the December 12, 2017 regular meeting. At the request of Manatee County Sheriff's Office, the first draft ordinance was removed from the agenda on December 11, 2017.

Assistant County Attorney Alexandria Nicodemi prepared Ordinance 18-26 for Board consideration, and at the April 10, 2018 regular meeting, permission was granted by the Board to advertise for a public hearing to potentially adopt said Ordinance. The Notice of Public Hearing was published in a newspaper of general circulation on April 12, 2018, and an Affidavit of Publication is attached.

At the request of the Board of County Commissioners, Detective April Culbreath and Sergeant Christopher D'Agostino met with Michael Gallen of the Chamber of Commerce on April 16, 2018 in order to brief him on the proposed changes to the ordinance. It has been reported to the County Attorney's Office that Mr. Gallen confirmed with MSCO that he is satisfied with the language of this Ordinance.

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

Assuming adoption, provide a fully executed copy of the Ordinance to Assistant County Attorney Alexandria Nicodemi, to Katie Pearson (County Attorney's Office), 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: [Secondhand Dealers Ord. Revised.pdf](#)

Attachment: [Affidavit SecondhandDealers.pdf](#)

Attachment: [Attorney Response Memorandum 3.23.18.pdf](#)

EMAILED TO SEC OF STATE 4/24/18

Emailed word version to MuniCOde 4/24/18

Emailed County Attorney office 4/24/18

ORDINANCE NO. 18-26

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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

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(1) through (4): no change.

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(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.

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(c) A clear ~~photograph, videotape, or~~ color 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.

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calendar days from the date the transaction record was received by the Manatee County Sheriff's Office.

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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.

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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 _____, 2018.

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

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

BRADENTON HERALD

WWW.BRADENTON.COM
P.O. Box 921
Bradenton, FL 34206-0921
1111 3rd Ave. W.
Bradenton, FL 34205-8894
941-746-7355

Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

STATE OF FLORIDA
COUNTY OF MANATEE

Before the undersigned authority personally appeared Christy Habony, 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 **04/12/2018**.

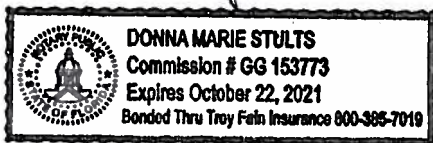
Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office 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.

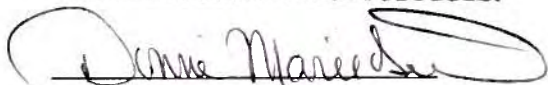


(Signature of Affiant)

Sworn to and subscribed before me this

12 Day of April, 2018




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 24th day of April 2018, 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. 18-26

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 DEFINITION FOR PERSONAL IDENTIFICATION CARD; AMENDING TRANSACTION RECORDS TO REQUIRE A COLORED PHOTOGRAPH; PROVIDING FOR NOTIFICATION WHEN HOLDING PERIOD EXPIRES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Copies of proposed **ORDINANCE 18-26** 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.
4/12/2018



OFFICE OF THE COUNTY ATTORNEY

MITCHELL O. PALMER, COUNTY ATTORNEY*
William E. Clague, Assistant County Attorney
Sarah A. Schenk, Assistant County Attorney**
Christopher M. De Carlo, Assistant County Attorney
Geoffrey K. Nichols, Assistant County Attorney
Pamela J. D'Agostino, Assistant County Attorney
Anne M. Morris, Assistant County Attorney
Katharine M. Zamboni, Assistant County Attorney
Alexandria C. Nicodemi, Assistant County Attorney

MEMORANDUM

DATE: March 23, 2018

TO: Michele Hall, General Counsel, Manatee County Sheriff's Office

THROUGH: Mitchell O. Palmer, County Attorney *MOP 3-23-18*

FROM: Alexandria C. Nicodemi, Assistant County Attorney *acn*

RE: **Second Revision of Manatee County's Secondhand Dealers Ordinance No. 14-12; CAO Matter No. 2017-0480**

This memorandum is in response to your February 2, 2018 letter in which you asked this Office to review a second draft ordinance ("Ordinance") amending Manatee County Ordinance No. 14-12 pertaining to the regulation of secondhand dealers.

The first draft ordinance was submitted via Request for Legal Services ("RLS") on September 6, 2017. This Office responded to the first RLS on November 9, 2017. Proof of publication for the first draft ordinance was published November 28, 2017 and was scheduled for a hearing before the Board of County Commissioners December 12, 2017. At request of the Manatee County Sheriff's Office, the first draft ordinance was removed from the agenda on December 11, 2017.

This response is related to and an extension of the above-referenced RLS. Per your request, I have reviewed and revised the second Ordinance for your consideration. (*See*, attached). The revisions I have made are minor adjustments to grammar, formatting, and style.

This Office will handle the scheduling before the Board of County Commissioners ("Board") and will execute the proper notice requirements set forth in Section 125.66, *Florida Statutes*. Per our conversation March 19, 2018, this Office will request permission from the Board to advertise the Ordinance on April 10, 2018. After permission to advertise has been granted the next two regularly

* Board Certified in Construction Law

** Board Certified in City, County, & Local Government Law

Michele Hall, General Counsel, Manatee County Sheriff's Office
March 23, 2018
Page 2 of 2

scheduled meetings are April 24, 2018 and May 8, 2018. Please inform this Office who will be in attendance from the Manatee County Sheriff's Office to address any questions the Board may have in regard to the Ordinance prior to its adoption. Once a date is decided, I will send you proof of publication and inform you when this matter will be considered before the Board. By way of reminder, notice must be published at least ten (10) days prior to a regular Board meeting.

This completes the response to your Request for Legal Services. If you have any further questions, comments, or concerns, please contact me.

ACN

Enclosure

Copies to: Ed Hunzeker, County Administrator
Dan Schlandt, Deputy County Administrator
Cheri Coryea, Deputy County Administrator
Charles "Rick" Wells, Sheriff, Manatee County Sheriff's Office
April Culbreath, Detective, Manatee County Sheriff's Office
Christopher D'Agostino, Sergeant, Manatee County Sheriff's Office

April 24, 2018 - Regular Meeting
Agenda Item #5

Subject

1:30 P.M. - ITEM #44 - Amendments to Secondhand Dealers Ordinance (Ord. 18-26)

Briefings

None

Contact and/or Presenter Information

Action Requested

Enabling/Regulating Authority

Background Discussion

See Item 44 for supporting materials.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Cost and Funds Source Account Number and Name

Amount and Frequency of Recurring Costs