

ORDINANCE NO. 2011-071

AN ORDINANCE OF SARASOTA COUNTY, FLORIDA, AMENDING ORDINANCE NO. 93-089, AS CODIFIED IN ARTICLE IV, CHAPTER 26, CODE OF ORDINANCES OF SARASOTA COUNTY, FLORIDA, RELATING TO SECOND HAND DEALERS; AMENDING SECTION 26-111 FINDINGS OF FACT; RESTATING SECTION 26-112 TITLE; RENAMING AND AMENDING SECTION 26-113 APPLICABILITY AND EXEMPTIONS; RENAMING AND AMENDING SECTION 26-114 INCORPORATION OF STATE LAW BY GENERAL REFERENCE; RENAMING AND AMENDING SECTION 26-115 DEFINITIONS; RENAMING AND AMENDING SECTION 26-116 TRANSACTION RECORDS REQUIRED; RENAMING AND AMENDING SECTION 26-117 ELECTRONIC TRANSMISSION OF TRANSACTION RECORDS; RENAMING AND AMENDING SECTION 26-118 INSPECTION OF PREMISES AND RECORDS; RENAMING AND AMENDING SECTION 26-119 SECONDHAND GOODS HOLDING PERIOD; RENAMING AND AMENDING SECTION 26-120 REGISTRATION; RENAMING AND AMENDING SECTION 26-121 METHOD OF PAYMENT; RENAMING AND AMENDING SECTION 26-122 NOTICE TO SELLERS; RENAMING AND AMENDING SECTION 26-123 VIOLATIONS AND PENALTIES; RENAMING AND AMENDING SECTION 26-124; SEVERABILITY; RESERVING SECTIONS 26-125 THROUGH 26-140; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Sarasota County Sheriff's Office, Sarasota Police Department, Venice Police Department, North Port Police Department and Longboat Key Police Department have made the Sarasota County Criminal Justice Commission and Board of County Commissioners aware of the growing issues relating to the theft and sale of stolen goods; and

WHEREAS, the increase of criminal activity relating to the thefts of these goods is impacting the public health, safety and welfare of the residents of Sarasota County; and

WHEREAS, Sarasota County citizens and businesses have suffered great economic losses recently; and

WHEREAS, Sarasota County, as a political subdivision of the state, pursuant to its home-rule authority and 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 Board desires to enforce violations of the Ordinance through code enforcement procedures outlined in Chapter 162, Florida Statutes, and through prosecution in the same manner as misdemeanors are prosecuted, pursuant to section 125.69, Florida Statutes; and

WHEREAS, the Board finds that implementation of the Ordinance as set forth herein will promote, protect and improve the health, safety and welfare of its citizens, consistent with the

authority of and limitations on the County pursuant to the Florida Constitution and Florida Statutes.

THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY:

In this Ordinance, all ~~strike through~~ language shall constitute language removed from the code, and all underlined language shall constitute language added to the code.

SECTION 1. Article IV, Section 26-111 of the Code is hereby amended as follows:

Article IV. Secondhand Dealers

Sec. 26-111. Findings of Fact.

The Board of County Commissioners of Sarasota County, Florida, hereby makes the following findings of fact:

- (1) Sarasota County is authorized by its Charter and ~~F.S. chs.~~ Chapters 125 and 538, Florida Statutes, to enact and enforce more restrictive laws regulations than found in state law pertaining to secondhand dealers and transactions in secondhand goods.
- (2) The regulations herein contained are necessary to enable law enforcement authorities to impede the sale of stolen property and identify those who are trafficking in stolen property.
- (3) The regulations herein contained provide an important local benefit to the growing metropolitan areas of Sarasota County, are essential to effective law enforcement, and promote the health, safety, and welfare of the people of Sarasota County.

SECTION 2. Section 26-112 of the Code is hereby restated as follows:

Sec. 26-112. Title.

This article may be cited as the “Sarasota County Secondhand Dealers Ordinance.”

SECTION 3. Article IV, Section 26-113 of the Code is hereby restated as follows:

Sec. 26-113. Applicability, Exemptions.

~~This article shall apply within the legal boundaries of Sarasota County, Florida, including all unincorporated and incorporated areas. In the event any provision of this article conflicts with a provision of a municipal ordinance, the municipal ordinance provision shall prevail.~~

(1) *Applicability.* This Article shall be applicable in both the unincorporated and incorporated areas of Sarasota County, except to the extent that a municipality has adopted or adopts its own ordinance in conflict with this ordinance. To the extent that this ordinance is applicable within a

municipality, the County and the municipality shall have concurrent authority and jurisdiction to apply and enforce the ordinance within the entirety of their jurisdictional boundaries.

(2) Exemptions. In recognition of the purpose of this Article, there shall be the following exemptions to the requirements of this Article:

(a) any business that contracts with other persons to offer Secondhand Goods for sale, purchase, consignment, or trade via Internet website, and that maintains a shop, store, or other business premises for this purpose, if all of the following apply:

1. The Secondhand Goods must be available on the website for viewing by the public at no charge;

2. The records of the sale, purchase, consignment, or trade must be maintained for at least 2 years;

3. The records of the sale, purchase, consignment, or trade, and the description of the Secondhand Goods as listed on the website, must contain the serial number of each item, if any;

4. The Secondhand Goods listed on the website must be searchable based upon the state or zip code;

5. The business must provide the appropriate law enforcement agency with the name or names under which it conducts business on the website;

6. The business must allow the appropriate law enforcement agency to inspect its business premises at any time during normal business hours;

7. Any payment by the business resulting from such a sale, purchase, consignment, or trade must be made to the person or entity with whom the business contracted to offer the goods and must be made by check or via money services business licensed under part II of chapter 560, Florida Statutes;

8. a. At least 48 hours after the estimated time of contracting to offer the Secondhand Goods, the business must verify that any item having a serial number is not stolen property by entering the serial number of the item into the Department of Law Enforcement's stolen article database located at the Florida Crime Information Center's public access system website. The business shall record the date and time of such verification on the contract covering the goods. If such verification reveals that an item is stolen property, the business shall immediately remove the item from any website on which it is being offered and notify the appropriate law enforcement agency; or

b. The business must provide the appropriate law enforcement agency with an electronic copy of the name, address, phone number, driver's license number, and issuing state of the person with whom the business contracted to offer the goods, as well as an accurate description of the goods, including make, model, serial number, and any other unique identifying marks, numbers, names, or letters that may be on an item, in a format agreed upon by the business and the appropriate law enforcement agency. This information must be provided to the appropriate law enforcement agency within 24 hours after entering into the contract unless other arrangements are made between the business and the law enforcement agency.

(b) A business that conducts a sale, rental, or trade of motion pictures or video games, if the business:

1. Requires the sellers of Secondhand Goods to have a current account with the business;

2. Has on file in a readily accessible format the name, current residential address, home and work telephone numbers, government-issued identification number, place of employment, date of birth, gender, and right thumbprint of each seller of Secondhand Goods;

3. Purchases Secondhand Goods from the property owner or his or her representative at the place of business pursuant to an agreement in writing and signed by the property owner which describes the property purchased, states the date and time of the purchase, and states that the seller is the lawful owner of the property;

4. Retains such purchase agreements for not less than 1 year; and

5. Pays for the purchased property in the form of a store credit that is issued to the seller and is redeemable solely by the seller or another authorized user of the seller's account with that business.

SECTION 4. Article IV, Section 26-114 of the Code is hereby renamed and amended as follows:

Sec. 26-114 ~~Implementation of the secondhand dealers statute~~ Incorporation of State Law by General Reference.

~~The provisions of Sections 538.03—538.17, Florida Statutes, in effect on July 1, 1993 (hereinafter, “the Statute”), are hereby implemented as the law of Sarasota County and shall be enforced by the Sheriff of Sarasota County. The Statute is incorporated herein by reference and attached hereto as Exhibit A. In any instance where a provision of the Ordinance in not in conflict with, but is more stringent than the Statute, the Ordinance provision shall prevail.~~

The provisions of state law governing Secondhand Dealers and their transactions are hereby incorporated by general reference as they may exist and be amended from time to time. To the extent that the provisions of this Article are more stringent than those of state law, then this Article shall apply.

SECTION 5. Section 26-115 of the Code is hereby renamed and amended as follows:

Sec. 26-115. Local provisions: Definitions.

Notwithstanding Section 4 of this Ordinance, the following are hereby adopted as complete substitutions for the corresponding applicable subsections of the Statute:

(1) F.S. § 538.03(1) (a):

~~“Secondhand dealer” means any person, corporation, or other business organization or entity which is not a secondary metals recycler subject to Part II of Chapter 538, Florida Statutes, and which is engaged in the business of purchasing, consigning, bartering, exchanging, or pawning secondhand goods. Except as provided in subsection (2), the term means pawnbrokers, jewelers, precious metals dealers, garage sale operators, secondhand stores, and consignment shops.~~

(2) F.S. § 538.03 (1) (g):

~~“secondhand goods” means personal property previously owed or used, which is not regulated metals property regulated under part II of Chapter 538 and which is purchased, consigned, bartered, exchanged or pawned as used property. Such secondhand goods shall be limited to watches; diamonds, gems, and other precious stones; fishing rods, reels, and tackle; audio and video electronic equipment, (to include) television sets, compact disc players, radios, amplifiers, receivers, turntables, tape recorders; video tape recorders; speakers and citizens’ band radios; computer equipment; radar detectors; depth finders; trolling motors; outboard motors; sterling silver flatware and serving pieces; photographic equipment, (to include) cameras, video and film cameras, lenses, electronic flashes, tripods, and developing equipment; microwave ovens; animal fur coats; marine equipment; video games and cartridges; power lawn and landscape equipment; office equipment such as copiers, fax machines, and postage machines (but to exclude furniture); sports equipment; weapons, (to include) knives, swords, and air guns; telephones, (to include) cellular and portable; firearms; tools; calculators; musical instruments, (to exclude pianos and organs); lawnmowers; bicycles; typewriters; motor vehicles; gold, silver, platinum, and other precious metals (to include coins with a numismatic value greater than their face value) and jewelry, (to exclude costume jewelry).~~

(3) F.S. § 538.03 (1) (h):

~~“Transaction” means any purchase, consignment, barter, exchange, or pawn of secondhand goods by a secondhand dealer.~~

(4) F.S. § 538.04 (1):

~~Secondhand dealers shall maintain records of all transactions of secondhand goods on the premises. Within 24 hours of the acquisition of any secondhand goods by purchase, barter, exchange or pledge as security for a loan, a secondhand dealer shall deliver to the Sarasota~~

County Sheriff's Department a legible record of the transaction on a form approved by the Sarasota County Sheriff's department. Such record shall contain:

- (a) — The time, date, and place of the transaction.
- (b) — A complete and accurate description of the goods acquired, including any serial numbers, manufacturer's numbers, or other identifying marks or characteristics.
- (c) — A description of the person from whom the goods were acquired, including:
 - 1. — Full name, address, workplace, and home and work phone numbers.
 - 2. — Height, weight, date of birth, race, gender, hair color, eye color, and any other identifying marks.
 - 3. — An original right thumb print of the borrower, seller or exchanger which shall be affixed to all forms delivered to the Sarasota County Sheriff's Department, and which can only be used to identify the person whose name appears on the record when probable cause exists that the secondhand goods are stolen.
- (d) — Any other information required by the form approved by the Sarasota County Sheriff's Department.

(5) F.S. § 538.05: —

- (1) The premises and required records of each secondhand dealer are subject to inspection during regular business hours by the Sarasota County Sheriff's Department, and by any state law enforcement officer who has jurisdiction over the dealer.
- (2) — The inspection authorized by subsection (1) shall consist of an examination on the premises of the inventory and required records to determine whether the records and inventory are being maintained on the premises as required by 538.04 and whether the holding period required by 538.06 is being complied with.

(6) F.S. § 538.15 — It is unlawful for a secondhand dealer or any other employee thereof to do or allow any of the following acts:

- (2) — Have a secondhand store open or engage in or conduct business as a secondhand dealer between the hours of 10:00 p.m. and 8:00 a.m. A secondhand dealer shall not conduct any transaction at a drive-through window or similar device. A secondhand dealer shall conduct transactions only at the registered location, except for transactions between secondhand dealers.

The following definitions shall apply to this Article:

(1) "Code Enforcement Officer" means any designated employee or agent of Sarasota County whose duty it is to enforce codes and ordinances enacted by Sarasota County, or designated employee or agent of the municipalities whose duty in is to enforce codes and ordinances of the municipalities, respectively. Employees or agents who may be Code Enforcement Officers for purposes of this Article may include, but are not limited to, code inspectors, law enforcement

officers and law enforcement civilian employees, animal control officers, building inspectors, or fire safety inspectors.

(2) “Fixed Location” means any site occupied by a Secondhand Dealer as owner of the site or as lessee of the site under a lease or other rental agreement providing for occupation of the site by the Secondhand Dealer for a total duration of not less than a year.

(3) “Flea Market” means a market held outdoors or indoors in such places as a warehouse or other open area where new items, Secondhand Goods or Precious Metals are the subject of a Transaction. A Flea Market may also include a market where inexpensive merchandise or food and drink are sold as incidental to the Transaction of Secondhand Goods or Precious Metals.

(4) “Flea Market Merchant” means any person who occupies any portion of any premises used for a Flea Market which engages in a Transaction involving Secondhand Goods.

(5) “Personal Identification Card” means any current, verifiable, government-issued photographic identification card.

(6) “Precious Metals” means any item containing any gold, silver, palladium, platinum, or any combination thereof, including but not limited to jewelry.

(7) “Precious Metals Dealer” means a Secondhand Dealer who normally or regularly engages in the business of buying Precious Metals, including but not limited to jewelry.

(8) “Secondhand Dealer” means any person, corporation, or other business organization or entity, which is engaged in the business of purchasing, consigning or trading Secondhand Goods. The term includes any person who is defined as a Flea Market Merchant, Precious Metals Dealer, Mail-In Secondhand Precious Metals Dealer, or Auction Business as defined in 468.382(1), Florida Statutes. The term does not mean any of the following:

(a) an individual consumer of Secondhand Goods for personal, family, or household use with no intention of resale;

(b) an organization or entity registered with the state as a nonprofit, religious, or charitable organization or any school-sponsored association or organization;

(c) a law enforcement officer acting in an official capacity;

(d) a trustee in bankruptcy, executor, administrator, or receiver;

(e) a public official acting under judicial process or authority who has proof of such status;

(f) a person acting on the execution or by virtue of any process issued by a court, and who has proof of such execution or process;

(g) a person who acquires household personal property as an agent for the property owner or their representative pursuant to a written agreement, at that person's residence.

(h) a Secondhand Dealer who purchases, consigns, or trades for Secondhand Goods from another Secondhand Dealer who has complied with the requirements of this Article;

(i) a person who accepts a Secondhand Good as a trade-in for a similar item of greater value;

(j) any business that is registered with the Department of Revenue for sales tax purposes as an Antique Dealer pursuant to chapter 212, Florida Statutes, and that purchases Secondhand Goods, excluding Precious Metals, from the property owner or her or his representative at the property owner's residence pursuant to a written agreement that states the name, address, and telephone number of the property owner and the type of property purchased;

(k) any person or entity acquiring Secondhand Goods via an Internet website when that person or entity does not have, and is not required to have, a local occupational or business license for this purpose;

(l) a Secondary Metals Recycler where the Transaction involves Regulated Metals or Restricted Regulated Metals, as those terms are defined in Article VI, Chapter 26 of the Sarasota County Code.

(9) "Secondhand Goods" means personal property previously owned or used and, which is purchased, consigned or traded as used property including Precious Metals. The term does not include:

(a) office furniture;

(b) pianos;

(c) books;

(d) clothing;

(e) organs;

(f) coins;

(g) motor vehicles;

(h) costume jewelry;

(i) cardio and strength training or conditioning equipment designed primarily for indoor use;

(j) secondhand sports equipment not permanently labeled with a serial number;

(k) firearms; and

(l) Regulated, and Restricted Regulated Metals as defined in Article VI, Chapter 26 of this Code.

(11) “Seller” means any person from whom the items regulated under this Article are acquired.

(12) “Transaction” or “Transacting” means any purchase, consignment, or trade of Secondhand Goods by a Secondhand Dealer.

(13) “Transaction Form” means the written form containing Transaction data completed by a Secondhand Dealer, in the format approved by the Florida Department of Law Enforcement.

(14) “Transaction Record” means the electronically-submitted record consisting of Transaction data described in Section 26-116 of this Article compiled by a Secondhand Dealer, in the format approved by the Florida Department of Law Enforcement and/or the Sarasota County Sheriff’s Office.

SECTION 6. Section 26-116 of the Code is hereby renamed and amended as follows:

Sec. 26-116. Penalties. Transaction Records Required.

~~Any person who violates any provision of this article, including refusal to allow a law enforcement officer to make an inspection under this article, shall, upon conviction, be subject to a fine not exceeding \$500.00 or imprisonment in the Sarasota County jail for a period not exceeding sixty (60) days, or both such fine and imprisonment.~~

(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 sellers original signature and fingerprint on the registered premises for at least one (1) 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 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 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 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 such clear identification.

(3) Transaction Records. A Secondhand Dealer need not submit photocopies, photographs, videotapes, or digital images as part of their Transaction Record but they must be available for review and examination with the Transaction Form for the periods outlined in subsection (2) above.

(4) Transaction Data. The following data shall be collected and included as part of a Transaction Form and/or Transaction Record:

(a) The name and licensed address of the Secondhand Dealer where the Transaction occurred;

(b) The date, time, and place of the Transaction;

(c) The name of the individual representing the Secondhand Dealer in each Transaction;

(d) A description of the type of Personal Identification Card exhibited by the Seller, including the issuing agency and distinctive number thereon.

(e) A description of the Seller including:

1. Full name, current residential address, current home or mobile telephone number, employer, employer's address, and employer's telephone number.

2. Height, weight, date of birth, gender, race, hair color, eye color, and any other identifying marks.

3. The right thumbprint, free of smudges and smears, of the person from whom the goods were acquired. If a thumb print is obtained electronically it must be captured at 1000 dpi or higher.

(f) A complete, accurate and detailed written description of the goods purchased, including the following information, if applicable:

1. Brand name

2. Model number

3. Manufacturer's serial number.
4. Size or length.
5. Color, as apparent to the untrained eye.
6. Precious metal type, weight, and content.
7. Gemstone description, including the number of stones, size, color, and shape.
8. Any other unique identifying marks, numbers, names, or letters.
9. The weight, quantity, or volume of property, subject to such Transaction.
10. The amount of consideration given for each individual item and the total of all items purchased in each Transaction.
11. Any other information required by the form approved by the Florida Department of Law Enforcement and as specified in Chapter 538, Florida Statutes.

(g) a signed statement by the Seller verifying that the Seller is the rightful owner of the goods or is entitled to sell, consign, or trade the goods.

(5) Verification of Identity. A Secondhand Dealer shall verify the Seller's identity by the Seller's exhibition of a Personal Identification Card to the Secondhand Dealer. A Secondhand Dealer shall verify with the Seller the accuracy of the information on the Personal Identification Card at the time of each Transaction.

(6) Prohibited Transactions. A Secondhand Dealer shall not enter into any Transaction with a Seller who refuses to provide a Personal Identification Card, refuses to be photographed or videotaped, or otherwise attempts to obscure their facial features during any Transaction. A Secondhand Dealer shall not enter into any Transaction with a Seller who refuses to have the Secondhand Goods photographed, videotaped, or otherwise attempts to obscure any item's identification.

SECTION 7. Section 26-117 of the Code is hereby renamed and amended as follows:

Sec. 26-117. Severability. Electronic Transmission of Transaction Records.

~~Should any section, sentence, clause, part or provision of this article be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the article as a whole, or any part thereof other than the part declared to be invalid.~~

(1) All Secondhand Dealers shall electronically transmit, in the most current data format, all Transaction dates described in Section 26-116 of this Article of all Transactions to which such Secondhand Dealer is a party, to the Sarasota County Sheriff's office or designated agency no later than 10 a.m. on the next business day that the Secondhand Dealer is open for business.

(2) The Sarasota County Sheriff's Office shall promote and publicize the most current data specifications of the electronic format for the transmission of Transaction Records. All Secondhand Dealers shall adhere to the most current data specifications issued from the Sarasota County Sheriff's Office.

(3) The Sarasota County Sheriff's Office shall maintain a computer and all other equipment at its facility necessary for the purpose of permitting a Secondhand Dealer to complete electronic transmission of the Transaction Records if the Secondhand Dealer has difficulty or is unable to transmit from their own facility.

SECTION 8. Section 26-118 of the Code is hereby renamed and amended as follows:

Sec. 26-118. ~~Reserved.~~ Inspection of Premises and Records.

(1) During the usual and customary business hours of any Secondhand Dealer, any law enforcement officer, Code Enforcement Officer or any other entity or office having jurisdiction over such business shall, after properly identifying themselves as such, have the right to inspect, review, examine, copy, or photograph, as applicable, the following:

(a) any part of the premises;

(b) any Secondhand Good; or

(c) any and all documents, records, databases, forms, data, photocopies, photographs, videos, digital images, etc. required to be maintained under Chapter 538, Florida Statutes, or this Article.

SECTION 9. Section 26-119 of the Code is hereby renamed and amended as follows:

Sec. 26-119. ~~Reserved.~~ Secondhand Goods Holding Period.

(1) A Secondhand Dealer must maintain actual physical possession of all 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 Secondhand Goods received as part of a Transaction for a period of thirty (30) calendar days from the date the Transaction Record was received by the Sarasota County Sheriff's Office.

SECTION 10. Section 26-120 of the Code is hereby renamed and amended as follows:

Sec. 26-120. ~~Reserved.~~ Registration.

(1) A Secondhand Dealer shall not transact in any goods, without previously registering that location with the Florida Department of Revenue, regardless of whether that location is temporary or permanent. The Secondhand Dealer shall notify the Sarasota County Sheriff's Office upon application for any new location and must prominently display such license bearing that location address.

(2) A Secondhand Dealer shall also obtain an occupational license (local business tax receipt) for each location prior to engaging in such business, whether that location is temporary or permanent.

(3) A Secondhand Dealer shall not transact in any goods from any residence unless such location has been previously licensed with the Florida Department of Revenue.

SECTION 11. Section 26-121 of the Code is hereby renamed and amended as follows:

Sec. 26-121. ~~Reserved.~~ Method of Payment.

A Secondhand Dealer shall not enter into any singular or aggregate cash transaction(s) in excess of \$100 from any Seller in any given day. Payment for any Transaction in excess of \$100 shall be made by check issued and payable to the Seller.

SECTION 12. Section 26-122 of the Code is hereby renamed and amended as follows:

Sec. 26-122. ~~Reserved.~~ Notice To Sellers.

(1) All Secondhand Dealers shall, at all times, maintain in a prominent place, in open view to a Seller of Secondhand Goods, a notice, in not less than one-half-inch lettering that contains the following language:

“ANY PERSON ATTEMPTING TO SELL ITEMS TO A SECONDHAND DEALER MUST PRESENT: A CURRENT, VERIFIABLE, GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION CARD, SIGNATURE, AND LEGIBLE THUMBPRINT. ANY PERSON WHO KNOWINGLY VIOLATES THIS REQUIREMENT CONSTITUTES A FELONY UNDER SECTION 538.04, FLORIDA STATUTES.”

(2) This notices may be combined on a single sign or with any other sign required by law to be displayed.

SECTION 13. Section 26-123 of the Code is hereby renamed and amended as follows:

Sec. 26-123. ~~Reserved.~~ Violations and Penalties.

(1) All violations of this Article may be processed according to Chapter 2, Article VIII, of the Sarasota County Code of Ordinances, and per provisions of Parts I or II of Chapter 162, Florida Statutes, as may be applicable. A law enforcement officer or code enforcement officer is specifically authorized to issue a citation for each violation. Each day of any such violation shall constitute a separate and distinct offense. Further, each failure to properly document transaction information shall constitute a separate and distinct offense.

(2) The County may also enforce this Article by action in equity, including injunctive or declaratory relief, in the appropriate court of competent jurisdiction.

(3) Any person who knowingly violates any provision of this Article, including refusal to allow a law enforcement officer to make an inspection under this Article, shall also be punished in the same manner as a misdemeanor as provided by general law.

(4) A Secondhand Dealer is presumed to know upon receipt of stolen property in any transaction that the property has been stolen from another if the Secondhand Dealer knowingly and intentionally fails to maintain the information required in Chapter 538, Florida Statutes and this article.

(5) Consistent with the provisions of Section 26-121 of this article, an Occupational License / Local Business Tax Receipt for any Secondhand Dealers shall be subject to revocation by the Board of County Commissioners for violation of any term contained in this Article.

SECTION 14. Section 26-124 of the Code is hereby renamed and amended as follows:

Sec. 26-124. ~~Reserved.~~ Severability.

It is declared to by the intent of the Board of County Commissioners that if any section, subsection, sentence, clause, phrase or provision of this ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void, such ruling or holding shall not be so construed as to render invalid, unconstitutional, inoperative or void the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 15. RESERVATION.

Sections 26-125 through 26-140 are hereby reserved.

SECTION 16. EFFECTIVE DATE.

This Ordinance shall take effect on January 1, 2012.

PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA, this ____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By: _____
Chair

ATTEST:

KAREN E. RUSHING, Clerk of Circuit
Court and Ex-Officio Clerk of the Board of
County Commissioners of Sarasota County,
Florida

By: _____
Deputy Clerk