



AGENDA ITEM

86

Meeting Date
06/24/08

Requested Action

(Identify appropriate Action or Motion, Authority or Requirement for Item and identify the outcome and/or purpose of item.)

MOTION TO ADOPT Resolution directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, August 12, 2008, at 2:00 p.m., in Room 422 of the Governmental Center to consider enactment of a proposed Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO RETAIL ESTABLISHMENTS; ADDING SECTIONS TO CHAPTER 21 OF THE BROWARD COUNTY CODE OF ORDINANCES CREATING THE RETAIL ESTABLISHMENT PARKING SECURITY ORDINANCE; PROVIDING FINDINGS; DEFINING "RETAIL ESTABLISHMENT" AND "RETAIL ESTABLISHMENT PARKING AREA"; PROVIDING FOR APPLICABILITY THROUGHOUT BROWARD COUNTY; REQUIRING CERTAIN RETAIL ESTABLISHMENT PARKING AREAS TO BE EQUIPPED WITH SPECIFIC SECURITY DEVICES; PROVIDING FOR COMPLIANCE DATES; PROVIDING FOR LICENSES; PROVIDING FOR ENFORCEMENT; AMENDING SUBSECTION 8½-16(f) OF THE BROWARD COUNTY CODE OF ORDINANCES TO PROVIDE CIVIL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

(Sponsored by Commissioner Josephus Eggelletion, Jr.)

Why Action is Necessary: The proposed Ordinance was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at the Commission meeting of January 8, 2008.

What Action Accomplishes: To deter persons from committing crimes at or against retail establishments, and to protect retail establishment employees and the public from criminal activity.

Is this Action Goal Related? Yes No

Summary Explanation/Background

(The first sentence includes the Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item. Identify how item meets Commission Challenge Goal.)

Previous Item			Scheduling
(Signature confirms that required approvals from other agencies have been received – e.g. Purchasing, Budget, Risk Mgmt, Attorney)			County Admin initials
Signature:	Date:	Type: Name, Title, Agency, and Phone	
	6/13/08	Jeffrey J. Newton County Attorney 954-357-7600	
Source of additional information: Type Name, Agency, and Phone			
A. Denise Sagerholm, Assistant County Attorney, 954-357-7600			

Fiscal Impact/Cost Summary

(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)

Fiscal Impact Statement by Office of Management and Budget attached as Exhibit 3.

Exhibits Attached (copies of original agreements)

(Please number exhibits consecutively.)

Exhibit 1 - Copy of Resolution

Exhibit 2 - Copy of Proposed Ordinance

Exhibit 3 - Copy of Fiscal Impact Statement

Document Control**Commission Action**____ Executed original(s) for permanent record
(Number)____ Executed copies return to:
(Number)

Other instructions (Include name, agency, and phone)

Original Resolution

Notice of Intent to Consider Enactment of an Ordinance

 APPROVED DENIED DEFERRED

From: _____

To: _____

1 RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR
2 TO PUBLISH NOTICE OF PUBLIC HEARING TO CONSIDER
3 ENACTMENT OF AN ORDINANCE

4 BE IT RESOLVED by the Board of County Commissioners of Broward County,
5 Florida, that:

6 Section 1. The County Administrator in and for Broward County, Florida, and
7 Ex-Officio Clerk of the Board of County Commissioners of Broward County is authorized
8 and directed to publish notice of intent of the Board of County Commissioners of
9 Broward County to consider at public hearing on Tuesday, August 12, 2008,
10 at 2:00 p.m., the enactment of an ordinance to be entitled:
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12
13 "AN ORDINANCE OF THE BOARD OF COUNTY
14 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
15 RELATING TO RETAIL ESTABLISHMENTS; ADDING
16 SECTIONS TO CHAPTER 21 OF THE BROWARD
17 COUNTY CODE OF ORDINANCES CREATING THE
18 RETAIL ESTABLISHMENT PARKING SECURITY
19 ORDINANCE; PROVIDING FINDINGS; DEFINING
20 "RETAIL ESTABLISHMENT" AND "RETAIL
21 ESTABLISHMENT PARKING AREA"; PROVIDING FOR
22 APPLICABILITY THROUGHOUT BROWARD COUNTY;
23 REQUIRING CERTAIN RETAIL ESTABLISHMENT
24 PARKING AREAS TO BE EQUIPPED WITH SPECIFIC
SECURITY DEVICES; PROVIDING FOR COMPLIANCE
DATES; PROVIDING FOR LICENSES; PROVIDING FOR
ENFORCEMENT; AMENDING SUBSECTION 8½-16(f) OF
THE BROWARD COUNTY CODE OF ORDINANCES TO
PROVIDE CIVIL PENALTIES; PROVIDING FOR
SEVERABILITY; PROVIDING FOR INCLUSION IN THE
CODE; AND PROVIDING AN EFFECTIVE DATE."

(Sponsored by Commissioner Josephus Eggelletion, Jr.)

1 Section 2. Such notice shall be made pursuant to the applicable provisions of
2 Section 125.66, Florida Statutes.

3 Section 3. This Resolution shall take effect upon adoption.
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5 ADOPTED this day of , 2008.
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22 ADS/ds
23 6-12-08
24 Retail Establishment Publish Notice
#08-402.00

ORDINANCE NO. 2008 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO RETAIL ESTABLISHMENTS; ADDING SECTIONS TO CHAPTER 21 OF THE BROWARD COUNTY CODE OF ORDINANCES CREATING THE RETAIL ESTABLISHMENT PARKING SECURITY ORDINANCE; PROVIDING FINDINGS; DEFINING "RETAIL ESTABLISHMENT" AND "RETAIL ESTABLISHMENT PARKING AREA"; PROVIDING FOR APPLICABILITY THROUGHOUT BROWARD COUNTY; REQUIRING CERTAIN RETAIL ESTABLISHMENT PARKING AREAS TO BE EQUIPPED WITH SPECIFIC SECURITY DEVICES; PROVIDING FOR COMPLIANCE DATES; PROVIDING FOR LICENSES; PROVIDING FOR ENFORCEMENT; AMENDING SUBSECTION 8½-16(f) OF THE BROWARD COUNTY CODE OF ORDINANCES TO PROVIDE CIVIL PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

(Sponsored by Commissioner Josephus Eggelletion, Jr.)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

[UNDERLINING IN SECTION 1 OMITTED]

Section 1. Chapter 21 of the Broward County Code of Ordinances, entitled "Miscellaneous Offenses and Provisions," is hereby amended to add the following sections:

Section 21-170. Title. This article may be cited as the "Retail Establishment Parking Security Ordinance."

Section 21-171. Findings. The Board of County Commissioners ("Board") finds that many retail establishment parking areas are at risk for robbery and other

1 crimes. The Board further finds that certain minimum security requirements are helpful
2 in protecting the store employees and the consumer public from robbery and injury, and
3 that the provisions of this article are most beneficial to areas where death, serious
4 injury, or sexual battery occurs during the commission of a theft or robbery at a retail
5 establishment.

6 **Section 21-172. Definition.** As used in this article, the term "retail
7 establishment" means any place of business that is engaged in the retail sale of goods
8 or services or both, and the term "retail establishment parking area" means the motor
9 vehicle parking areas available to customers or employees of a retail establishment.

10 **Section 21-173. Applicability.** This article shall be effective throughout
11 Broward County, including within municipalities in Broward County.

12 **Section 21-174. Security devices and measures.** The person or entity in
13 control of a retail establishment parking area or the owner of a retail establishment
14 parking area shall provide, operate, and maintain at each such retail establishment
15 parking area the following security devices and measures:

16 (a) A security camera video system operating twenty-four (24) hours a day,
17 seven (7) days a week, covering the entire retail establishment parking area, that shall
18 retain images and shall be capable of retrieving recorded images for at least thirty (30)
19 calendar days after recording to assist in the identification and apprehension of persons
20 who commit crimes; and

21 (b) A lighted retail establishment parking area illuminated at an intensity of two
22 (2) foot-candles per square foot with a uniformity ratio of no more than five (5) to one (1)
23 at eighteen (18) inches above the surface.

1 **Section 21-175. Compliance Dates.** Any retail establishment parking area
2 in existence on the effective date of this Ordinance, or which begins operation within
3 two (2) weeks thereof, shall be in compliance with the requirements of the Ordinance
4 within one hundred twenty (120) days from the effective date of the Ordinance, and any
5 retail establishment parking area which begins operating more than two (2) weeks from
6 the effective date of this Ordinance shall be in compliance with the requirements of this
7 Ordinance on the first day of business.

8 **Section 21-176. Licenses.**

9 (a) General.

10 (1) A license shall be issued by the Department of Environmental Protection
11 and Growth Management. Fees for licenses shall be in accordance with
12 the schedule adopted by the Board of County Commissioners by
13 resolution. The person or entity in control of a retail establishment parking
14 area or the owner of a retail establishment parking area existing at the
15 effective date of this Ordinance shall make an application for a license
16 within one hundred twenty (120) days of the effective date of this
17 Ordinance.

18 (2) All retail establishment parking areas existing at the effective date of this
19 Ordinance shall be initially inspected by the Department of Environmental
20 Protection and Growth Management to ascertain whether such security
21 devices and measures comply with the provisions of this Ordinance.
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1 (b) Renewal.

2 (1) A license shall be renewed annually. Each renewal application shall
3 include an Affidavit from the license holder stating that the license holder
4 is in full compliance with the provisions of this Ordinance.

5 (2) Whenever any entity that is a license holder is sold, transferred, or
6 otherwise changes ownership, the new owner(s) shall file an application
7 with the Department of Environmental Protection and Growth
8 Management, which reflects the change of ownership, the existing license
9 number, the name(s), address(es), and contact number(s) of the new
10 owner(s), and the new owner(s) shall pay all appropriate transfer and
11 renewal fees.

12 (3) The license shall be renewed annually no later than November 1 of each
13 year.

14 **Section 21-177. Noncompliance penalties.** If noncompliance with this
15 Ordinance is corrected within ten (10) days after receipt of a written notice of violation,
16 no civil penalty shall be assessed. However, any person or entity in control of a retail
17 establishment parking area or the owner of a retail establishment parking area who
18 willfully and deliberately violates any requirement of this Ordinance, or who deliberately
19 fails to initially implement the requirements of this Ordinance, shall be required to pay to
20 Broward County, upon notice that noncompliance remains uncorrected, a civil penalty of
21 up to five hundred dollars (\$500.00) for the first violation, and five hundred dollars
22 (\$500.00) for a repeat violation, as allowed under Chapter 162, Florida Statutes.

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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscoring type are additions.

1 **Section 21-178 . Enforcement.** This Ordinance shall be enforced according
2 to the alternate code enforcement procedure provided for in Chapter 8½, Article II,
3 Section 8½-8, et seq., of the Broward County Code of Ordinances.

4 Section 2. Subsection 8½-16(f), "Schedule of civil penalties," of the Broward
5 County Code of Ordinances is hereby amended to read as follows:

6 Sec. 8½-16. Schedule of civil penalties.

7 ...

8 (f) Miscellaneous provisions.

9 ...

	Violation	First Violation	Repeat Violation
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11	(35) Violation of Retail Establishment Parking		
12	Security Ordinance Section 21-174.	\$500.00	\$500.00
13	(36) Failure to Obtain Permit or Renewal		
14	Under Section 21-176.	\$125.00	\$250.00
15			

16 Section 3. SEVERABILITY.

17 If any portion of this Ordinance is determined by any Court to be invalid, the
18 invalid portion shall be stricken, and such striking shall not affect the validity of the
19 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
20 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
21 or circumstance(s), such determination shall not affect the applicability hereof to any
22 other individual, group, entity, property, or circumstance.

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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
 underscoring type are additions.

1 Section 4. INCLUSION IN CODE.

2 It is the intention of the Board of County Commissioners that the provisions of
3 this Ordinance shall become and be made a part of the Broward County Code; and that
4 the sections of this Ordinance may be renumbered or re-lettered and the word
5 "ordinance" may be changed to "section," "article," or such other appropriate word or
6 phrase in order to accomplish such intentions.

7 Section 5. EFFECTIVE DATE.

8 This Ordinance shall become effective as provided by law.
9

10 ENACTED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE
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14 PURPOSE: To deter persons from committing crimes at or against retail
15 establishments, and to protect retail establishment employees and
16 the public from criminal activity.
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23 ADS/ds
06/05/08
RetailEstablishCamerasOrd1.doc
24 #08-402.00

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.



OFFICE OF MANAGEMENT AND BUDGET

115 S. Andrews Avenue, Room 404 • Fort Lauderdale, Florida 33301 • 954-357-6345 • FAX 954-357-6364

MEMORANDUM

June 13, 2008

TO: Board of County Commissioners

FROM: Kayla Olsen, Director
Office of Management and Budget

SUBJECT: Fiscal Impact Statement Re: Proposed Ordinance Relating to Retail Establishment Parking Security

Summary

The proposed new ordinance requires all retail establishments throughout Broward County (including within municipalities in Broward County) to provide, operate, and maintain at each such retail establishment parking area the following security devices and measures: a security camera video system operating 24 hours a day, 7 days a week, covering the entire retail establishment parking area; and a lighted retail establishment parking area illuminated at an intensity of 2 foot-candles per square foot. These minimum security requirements are considered helpful in protecting the store employees and the consumer public from robbery and injury. Any existing retail establishment parking area will need to be in compliance of this ordinance within 120 days of the effective date of the ordinance. This ordinance shall be enforced according to the alternate code enforcement procedure provided for in Chapter 8 ½ , Article II, Section 8 ½ - 8 et seq., of the Broward County Code of Ordinances.

Fiscal Impact

Currently, there are approximately 10,000 retail establishments in Broward County that would fall under this licensing requirement. The revenue estimated to be generated by this retail security license is \$500,000 per fiscal year with an estimated cost per license of \$50. The projected cost to implement the retail security license is approximately \$327,275 - \$490,500 per fiscal year. Implementation of this new retail security license will require 4-6 additional positions within Consumer Affairs based on conducting 8-12 inspections per day.

KO:js

Notice of Intent to Consider
Enactment of an Ordinance

NOTICE is hereby given by the Broward County Board of County Commissioners of Broward County, Florida, pursuant to Section 125.66, Florida Statutes, that said Board at 2:00 p.m., on Tuesday, August 12, 2008, at the Governmental Center, 115 South Andrews Avenue, Room 422, Fort Lauderdale, Florida 33301, intends to consider enactment of an ordinance, the substance of which is as follows:

An Ordinance of the Board of County Commissioners of Broward County, Florida, relating to retail establishments; adding sections to Chapter 21 of the Broward County Code of Ordinances creating the Retail Establishment Parking Security Ordinance; providing findings; defining "retail establishment" and "retail establishment parking area"; providing for applicability throughout Broward County; requiring certain retail establishment parking areas to be equipped with specific security devices; providing for compliance dates; providing for licenses; providing for enforcement; amending Subsection 8½-16(f) of the Broward County Code of Ordinances to provide civil penalties; providing for severability; providing for inclusion in the Code; and providing an effective date.

(Sponsored by Commissioner Josephus Eggelletion, Jr.)

The complete text of said proposed ordinance is available for review in the County Records Division, Finance and Administrative Services Department. If due to a disability, you require auxiliary aids, accommodations, or alternative formats of materials to participate in a public hearing or meeting, please contact the Public Communications Office at (954) 357-6990 (V), or (954) 831-3940 (TTY). Please make accommodation requests at least three days in advance.

Dated this _____ day of _____, 2008.

Publish one (1) time:

Send two (2) proofs of publication and invoice, and cost to:

David C. Crankshaw, Deputy Clerk
County Records/Minutes Section
Broward County Governmental Center
115 S. Andrews Avenue, Room 336-U
Fort Lauderdale, Florida 33301

Send one (1) proof of publication and invoice to:

Accounting Division
115 S. Andrews Avenue, Room 203
Fort Lauderdale, Florida 33301