

DRAFT 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 ____ 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