

Item # 51(3)
Proposed Amendments

ADDITIONAL MATERIAL
Public Hearing
OCTOBER 6, 2020

SUBMITTED AT THE REQUEST OF
OFFICE of the COUNTY
ATTORNEY

MEMORANDUM

TO: Board of County Commissioners

FROM: Andrew J. Meyers, County Attorney /s/ *Andrew J. Meyers*

DATE: October 2, 2020

RE: **Agenda Item No. 51 on the October 6, 2020, County Commission Agenda, Relating to Locksmiths**
CAO File: #41020.0001

The Office of the County Attorney recommends the attached amendment to Section 20-176.141 of the proposed ordinance, reinstating certain language that was inadvertently removed while consolidating related provisions. The language states that the Environmental and Consumer Protection Division (ECPD) may deny, suspend, or revoke a license or registration if an individual has failed to pay fines due for violating the ordinance. ECPD staff indicates that this provision provides an important incentive for regulated persons to comply with the ordinance and pay outstanding fines.

AJM/MA/gmb
Attachment

c: Bertha Henry, County Administrator
Robert Melton, County Auditor
Leonard Vialpando, Deputy Director, Environmental Protection and Growth
Management Department
Jeff Halsey, Director, Environmental and Consumer Protection Division

1 ~~(t)~~ (r) Dispatch to a customer's residence or place of business any person to
2 perform locksmith services that is not a licensed locksmith or a licensed apprentice
3 locksmith.

4 **Sec. 20-176.141. Denial, revocation, and suspension of business registration,**
5 **locksmith license, or apprentice locksmith license.**

6 (a) ECPD may deny, revoke, or suspend a business registration, locksmith
7 license, or apprentice license issued pursuant to the provisions of this division if ECPD
8 determines that the applicant:

- 9 (1) Violated any provision of this division;
- 10 (2) Engaged in a prohibited practice as prescribed in this division;
- 11 (3) Aided or abetted a person to evade or avoid provisions of this division;
- 12 (4) Misrepresented or concealed a fact on the application, renewal application,
13 or replacement application for registration or license;
- 14 (5) Violated any condition, limitation, or restriction of a registration or license
15 imposed by ECPD;
- 16 (6) Was enjoined by a court of competent jurisdiction from engaging in the trade
17 or business of locksmithing or was enjoined by a court of competent
18 jurisdiction with respect to any of the requirements of this division;
- 19 (7) Failed to comply with the terms of a cease and desist order, notice to correct
20 a violation, or any other lawful order of ECPD;
- 21 (8) Was convicted of a violation of this division;
- 22 (9) Failed to pay fines for violations of this ordinance;

Commented [SA1]: Proposed change from CAO.

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

1 ~~(9)~~ (10) Was convicted of any of the disqualifying offenses stated in
2 Section 20-176.137 of this division, but subject to Section 20.176-137(f); or
3 ~~(10)~~ (11) Becomes subject to an injunction or temporary injunction pursuant to
4 Section 784.0485, Florida Statutes, until such time as the injunction is
5 dissolved.

6 (b) Unless ECPD provides written notice of immediate revocation or
7 suspension as set forth herein, any revocation or suspension of a license or registration
8 by ECPD shall be effective ten (10) days after the date of the notice, except if the
9 revocation or suspension is appealed pursuant to this division. If appealed within said
10 ten (10) days, the revocation or suspension shall be effective upon the rendition of the
11 hearing officer's order. However, if in the Director's sole discretion, the Director finds that
12 permitting the locksmith or locksmith business to continue providing services would
13 present a danger to public health, safety, or welfare, then the Director may make the
14 revocation or suspension effective immediately. Written notice of immediate revocation
15 or suspension shall be provided in the notice of revocation or suspension.

16 **Sec. 20-176.142. ~~Appeal Enforcement and penalties;~~ appeal and review.**

17 (a) Violations of this division shall be punishable by civil penalties as provided
18 in Section 8½-16 of this Code. Notice, enforcement, and adjudication of such violations
19 shall be as provided in Chapter 8½ of this Code. The Director is authorized to appoint
20 code inspectors within the meaning of Chapter 8½.

21 (b) In addition to fines as provided in Section 8½-16 of this Code, ECPD is
22 authorized to enforce the provisions of this division by suspension or revocation of a
23 license or registration as provided in this division.