

**Approved by:** \_\_\_\_\_ **Date** \_\_\_\_\_

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2011	2012	2013	2014	2015
Capital Expenditures	\$ <u>          </u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>0~</u> <i>*See below</i>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

# ADDITIONAL FTE

POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Depart \_\_\_\_\_ Unit \_\_\_\_\_  
                                   Object \_\_\_\_\_ Program \_\_\_\_\_

### B. Recommended Sources of Funds/Summary of Fiscal Impact:

### C. Departmental Fiscal Review:

## III. REVIEW COMMENTS:

### A. OFMB Fiscal and/or Contract Dev. and Control Comments:

*+ no fiscal impact*

OFMB

*VA*

Contract Dev. and Control

### B. Legal Sufficiency:

*Anne Delaney 8/29/11*  
 Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
 Department Director

ORDINANCE NO. 2011-\_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 17, ARTICLE IV SECONDHAND DEALERS; AMENDING SECTION 17-128. RECORDS OF TRANSACTION; AMENDING SECTION 17-131. HOLDING PERIOD (SALE TRANSACTIONS); AMENDING SECTION 17-136. SECONDHAND DEALERS; DISPOSAL OF PROPERTY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has determined that Chapter 17, Article IV of the Palm Beach County Code, Secondhand Dealers, Section 17-128, Records of Transaction, Section 17-131, Holding period (Sale Transactions) and Section 17-136, Secondhand dealers; disposal of property needs to be amended in order to comply with Chapter 2011-109 Laws of Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Chapter 17 of the Palm Beach County Code of Law and Ordinances, Article IV, Secondhand Dealers, is hereby amended as follows:

**Section 1.**

Sec. 17-128. Records of Transaction, is hereby amended as follows:

- (a) Secondhand dealers shall keep, on the premises, a record of all transactions of secondhand goods by completing the form required by Florida Statutes, ch. 538 and 539, whichever is applicable. Within twenty-four (24) hours of the acquisition of any secondhand goods by purchase, or pledge as security for a loan, a second hand dealer shall deliver to the sheriff's office for the municipal police department in the municipality where the premises are located a copy of the transaction on the designated form. Such record shall contain:

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**Section 2.**

Sec. 17-131. Holding Period (sale transactions), is hereby amended as follows:

- (a) In accordance with Florida Statute, section 538.06, a A secondhand dealer shall not sell, barter, exchange, alter, adulterate or in any way dispose of any secondhand goods within fifteen (15) calendar days of the acquisition of the goods. Such holding periods are not applicable when the person, known by the secondhand dealer to be the person from whom the goods were originally acquired, desires to redeem, repurchase, or recover the goods, provided the secondhand dealer can produce the record of the original transaction with verification that the customer is the person from whom the goods were originally acquired and provided that upon redemption the secondhand dealer's record reflects the signature of the redeemer and the date and time of the redemption.

- (b) Upon probable cause that goods held by a secondhand dealer are stolen, a law enforcement officer may extend the holding period to a maximum of ~~sixty (60)~~ ninety (90) days beyond the expiration of the holding period required in subsection (a) of this section and Florida Statutes, section 538.06(1). However, the holding period may be extended beyond ~~sixty (60)~~ ninety (90) days by a court of competent jurisdiction upon a finding of probable cause that the property is stolen and further holding is necessary for the purposes of trial or to safeguard such property. The secondhand dealer shall assume all responsibility, civil or criminal, relative to the property or evidence in question, including responsibility for the actions of any employee with respect thereto.

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### **Section 3.**

Sec. 17-136. Secondhand dealers; disposal of property is hereby amended as follows:

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- (c) When dealing with firearms, pawnbrokers shall comply with the holding periods in Florida Statute, section 539.001.

### **Section 4. REPEAL OF LAWS IN CONFLICT:**

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

### **Section 5. SEVERABILITY:**

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

### **Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

### **Section 7. CAPTIONS:**

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

### **Section 8. EFFECTIVE DATE:**

The provisions of this Ordinance shall become effective on filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach  
County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**SHARON R. BOCK, CLERK AND  
COMPTROLLER**

**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Karen T. Marcus, Chair

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By: Anne Delgent  
County Attorney

Filed with the Department of State on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

## FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY: (PALM BEACH) COUNTY ORDINANCE # (2011- )  
(e.g., 00-001)  
PRIMARY KEYFIELD  
DESCRIPTOR: ( FIREARMS )  
SECONDARY KEYFIELD  
DESCRIPTOR: ( SECOND HAND DEALERS )  
OTHER KEYFIELD  
DESCRIPTOR: ( firearms + second hand dealers )  
ORDINANCE DESCRIPTION: ( )  
(25 characters maximum including spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: (2001-002) AMENDMENT # 2: ( )

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL # 1: ( ) REPEAL # 3: ( )

REPEAL # 2: ( ) REPEAL # 4: ( )

(Others repealed: List all that apply):

(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: ( )

KEYFIELD 1 CODE: ( )

KEYFIELD 2 CODE: ( )

KEYFIELD 3 CODE: ( )

Rev. 4/10/04