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ORDINANCE NO. 2023-__

AN ORDINANCE PERTAINING TO THE ORANGE COUNTY CONSUMER FRAUD INVESTIGATIVE UNIT IN ORANGE COUNTY, FLORIDA; PROVIDING FOR MODIFICATIONS TO THE UNIT AND THE UNIT'S ENFORCEMENT OF CERTAIN BUILDING AND CONSTRUCTION REGULATIONS AND TRESPASS TOWING PROVISIONS OF THE ORANGE COUNTY CODE; AMENDING CHAPTER 13 ("CONSUMER PROTECTION"), SECTION 13-3 ("FINDINGS AND OBJECTIVES"); AMENDING SECTION 13-4 ("UNIT ESTABLISHED"); AMENDING SECTION 13-5 ("POWERS AND DUTIES"); AMENDING CHAPTER 9 ("BUILDING AND CONSTRUCTION REGULATIONS"), ARTICLE IX ("CONTRACTOR CERTIFICATION, REGISTRATION, LICENSING"), SECTION 9-323 ("CODE ENFORCEMENT OFFICERS"); AMENDING CHAPTER 35 ("TRAFFIC"), ARTICLE II ("ADMINISTRATION AND ENFORCEMENT"), DIVISION 3 ("TRESPASS TOWING FROM PRIVATE PROPERTY, NONCONSENSUAL TOWING, AND VEHICLE IMMOBILIZATION"), SECTION 35-56 ("PREREQUISITES AND REQUIREMENTS FOR IMMOBILIZATION AND TRESPASS TOWING OF VEHICLES ON PRIVATE PROPERTY"); AMENDING SECTION 35-58 ("ESTABLISHMENT OF RATES"); AMENDING SECTION 35-59 ("ENFORCEMENT OF VIOLATIONS; PENALTIES"); AMENDING CHAPTER 11 ("CODE ENFORCEMENT"), ARTICLE III ("CODE ENFORCEMENT CITATION PROGRAM"), SECTION 11-62 ("APPLICABLE CODES AND ORDINANCES"); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR FILING OF ORDINANCE AND EFFECTIVE DATE.

WHEREAS, on November 21, 1978 the Orange County Board of County Commissioners (the "Board") adopted Orange County Ordinance No. 78-21 establishing the Orange County Consumer Fraud Investigative Unit (the "Unit") to receive consumer complaints, gather and assemble information pertinent to those complaints, and refer the complaints to the appropriate enforcing authority; and

WHEREAS, Ordinance No. 78-21 contained a sunset provision whereby it would be automatically repealed two (2) years from its effective date; and

WHEREAS, on December 1, 1980 the Board adopted Orange County Ordinance No. 80-21 permitting the continuing existence of the Unit; and

48 **WHEREAS**, the Board finds that since the adoption of Ordinance No. 80-21 the Unit’s
50 powers and duties have been focused on consumer protection as a whole and not only limited to
51 consumer fraud; and

52 **WHEREAS**, the Board finds that bringing the Unit under the direct supervision and
53 control of Orange County government, as opposed to the Office of the State Attorney for the Ninth
54 Judicial Circuit (“State Attorney”), will provide for more efficient operations; and

56 **WHEREAS**, the Board desires to amend Chapters 13, 9, 35, and 11 of the Orange County
57 Code of Ordinances (“Code”) to: (1) rename the Unit; (2) remove the Unit’s duty to be directly
58 under the supervision and control of the State Attorney; (3) update the contact information posted
59 on certain notices and signage related to the Unit; and (4) authorize the Unit to enforce certain
60 provisions of the Code with civil citations.

62 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
63 COUNTY, FLORIDA:

64 **Section 1. Amendments to Chapter 13, Sections 13-3, 13-4, and 13-5.** Chapter 13
65 (“Consumer Protection”), Sections 13-3 (“Findings and objectives”), 13-4 (“Unit established”),
66 and 13-5 (“Powers and duties”) are amended to read as follows, with additions being shown by
67 underlines and deletions being shown by strike-throughs:

68 **CHAPTER 13. CONSUMER PROTECTION**

70 * * *

72 **Section 13-3. Findings and objectives.**

74 (a) As a result of the rapid population and business growth in the
75 county, and due to the number of seasonal residents and tourists
76 in the county, county residents and visitors are habitually targets
77 for unfair and deceptive trade practices.

78 (b) In November, 1978, the board of county commissioners adopted
79 Orange County Ord. No. 78-21 establishing the Orange County
80 Consumer Fraud Investigative Unit to receive consumer
81 complaints, gather and assemble information pertinent to those
82 complaints and refer the same to the appropriate enforcing
83 authority having jurisdiction over the subject matter of the
84 complaint. Since its establishment, the county consumer fraud
85 investigative unit has carried out its duties in a highly

88 satisfactory manner, providing a strong and effective consumer
89 protection program to protect the interests of both the consumer
90 public and the legitimate businessman.

91 (c) Orange County Ord. No. 78-21 contained a sunset provision
92 whereby the ordinance would be automatically repealed two (2)
93 years from the effective date thereof (November 30, 1978).
94 Therefore, Orange County Ord. No. 78-21 was automatically
95 repealed November 30, 1980.

96 (d) It is in the best interest of the residents and visitors of the county
97 that the Orange County Consumer Fraud Investigative Unit
98 continue to perform the services it has been performing since its
99 establishment. The public health, safety, and welfare of the
100 citizens of the county require that the county consumer fraud
101 investigative unit not cease functioning upon the automatic
102 repeal of Orange County Ord. No. 78-21. Therefore, the board
103 of county commissioners enacts this chapter to permit the
104 continuing existence of the county consumer fraud investigative
105 unit as renamed to the "Orange County Consumer Protection
106 Office" in section 13-4.

107 ***Section 13-4. Office Unit established.***

108
109 There is hereby established the Orange County Consumer
110 Protection Office ~~Fraud Investigative Unit~~ which shall have the
111 powers and duties enumerated herein to carry out the objectives
112 stated above.
113

114
115 ***Section 13-5. Powers and duties.***

116
117 The Orange County Consumer Protection Office ~~Fraud
118 Investigative Unit~~ shall have the following powers and duties:
119 ~~authority to continue the performance of those powers and duties~~
120 ~~originally granted to it by Orange County Ord. No. 78-21, including~~
121 ~~the following:~~

122
123 (1) To conduct trainings and outreach to educate residents
124 about consumer responsibilities and how to recognize
125 and prevent fraud and deceptive and unfair trade
126 practices;

127
128 (4) (2) To receive, process, gather and assemble information
129 pertinent to complaints of alleged unfair and deceptive acts
130 or practices as well as potential consumer frauds which

132 occur in the course of a consumer transaction and to further
investigate same;

134
136 ~~(2)~~ (3) To refer all such investigative information to the state
attorney, ninth judicial circuit, or any other appropriate
138 enforcing authority or agency having jurisdiction over the
subject matter of the complaint;

140 ~~(3)~~ (4) To conciliate consumer disputes through conference
with the interested parties; and

142
144 ~~(4)~~ (5) To be ~~directly~~ under the supervision and control of
the ~~state attorney, ninth judicial circuit~~ Orange County
146 Mayor pursuant to Section 302 of the Orange County
Charter and to perform other administrative duties as
148 assigned.

148 *Section 2. Amendments to Chapter 9, Article IX, Section 9-323.* Chapter 9 (“Building
150 and Construction Regulations”), Article IX (“Contractor Certification, Registration, Licensing”),
Section 9-323 (“Code enforcement officers”) is amended to read as follows, with additions being
152 shown by underlines and deletions being shown by strike-throughs:

154 **CHAPTER 9. BUILDING AND CONSTRUCTION
REGULATIONS**

156 * * *

158 **ARTICLE IX. CONTRACTOR CERTIFICATION,
REGISTRATION, LICENSING**

160 * * *

162 *Section 9-323. Code enforcement officers.*

164
166 (a) The board of county commissioners hereby authorizes the
county administrator or the county administrator’s appointee to
168 designate certain persons as defined by F.S. ch. 162, including,
but not limited to, the building official, and designees, and
170 ~~consumer investigators~~ employees assigned to the Orange
County Consumer Protection Office ~~Fraud Investigative Unit~~,
172 established under chapter 13, Orange County Code, as code
enforcement officers who shall have the powers and limitations
prescribed herein and by statute.

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- (b) The training and/or qualifications of code enforcement officers for purposes of this article shall be established by the building official.
- (c) Pursuant to the authority established in F.S. chs. 489 and 162, a code enforcement officer may issue a citation alleging engagement in any activity outlined in section 9-324.

Section 3. Amendments to Chapter 35, Article II, Division 3, Sections 35-56, 35-58, and 35-59. Chapter 35 (“Traffic”), Article II (“Administration and Enforcement”), Division 3 (“Trespass Towing from Private Property, Nonconsensual Towing, and Vehicle Immobilization”), Sections 35-56 (“Prerequisites and requirements for immobilization and trespass towing of vehicles on private property”), 35-58 (“Establishment of rates”), and 35-59 (“Enforcement of violations; penalties”) are amended to read as follows, with additions being shown by underlines and deletions being shown by strike-throughs:

CHAPTER 35. TRAFFIC

* * *

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

* * *

DIVISION 3. TRESPASS TOWING FROM PRIVATE PROPERTY, NONCONSENSUAL TOWING, AND VEHICLE IMMOBILIZATION

* * *

Section 35-56. Prerequisites and requirements for immobilization and trespass towing of vehicles on private property.

* * *

- (1) *Use of immobilization devices.*

* * *

214 (5) Immediately after a vehicle is immobilized, the person
215 immobilizing such vehicle, the owner of the property where
216 the vehicle was immobilized, or an employee or duly
217 authorized agent of such person or owner, shall affix upon
218 the window adjacent to the driver's seat of such vehicle, a
219 sticker with a completely removable adhesive, measuring
220 eight and one-half by eleven (8½ x 11) inches, containing a
221 warning that any attempt to move the vehicle may result in
222 damage to the vehicle and stating the name and business
223 address of the person who immobilized such vehicle, as well
224 as a business telephone number (a pager number is not
225 sufficient) that will facilitate the dispatch of personnel
226 responsible for removing the immobilization device. Such
227 notice also shall include the following: "Towing and
228 immobilization of vehicles is regulated by state law and
229 county ordinance. Any person wishing to file a complaint
230 regarding a violation of a towing or immobilization law may
231 do so by contacting ~~the Orange County Consumer Fraud~~
232 ~~Unit at www.ocfl.net/consumerprotection or at~~
233 407.836.2490 311 Non-Emergency Help & Information at
234 www.ocfl.net/311 or by dialing 311 or 407-836-3111."

235 * * *

236
237 ***Section 35-58. Establishment of rates.***

238 * * *

239 (e) The towing rates and any fees set forth above in this section
240 shall be prominently posted and clearly legible in not less than
241 two-inch high letters on contrasting background at the point of
242 payment at the storage site. Such notice shall be visible to the
243 person picking up the vehicle from the place where payment is
244 tendered. The towing service also must prominently post a
245 clearly legible notice at the point of payment at the storage site,
246 in letters not less than one-half-inch high on contrasting
247 background, the following statement: "Towing is regulated
248 by Chapter 35, Orange County Code, and Section 715.07,
249 Florida Statutes, copies of which are available by the towing
250 service at this location upon request." On the same sign, the
251 following language shall be included in letters not less than
252 one-half-inch high:

253
254
255 "TO THE VEHICLE OWNER: If you believe your vehicle was
256 wrongfully towed and/or you have been overcharged for

258 services rendered, you do not have to pay your bill to get your
260 car. Instead, you have the right to post a bond in the circuit
262 court, payable to [name of towing or immobilization service],
264 in the amount of the final bill for services rendered, and the
266 court will decide later who is right. If you show us a valid
268 clerk's certificate showing that you have posted a bond, we
270 must release your vehicle to you immediately. This remedy is
272 in addition to other legal remedies you have pursuant to
Chapter 713, Florida Statutes. If you have a complaint about
the way services were provided, you may contact ~~the~~ Orange
County ~~Consumer~~ ~~Fraud~~ ~~Unit~~ at
www.ocfl.net/consumerprotection or at 407.836.2490 311 Non-
Emergency Help & Information at www.ocfl.net/311 or by
dialing 311 or 407-836-3111.”

* * *

274 *Section 35-59. Enforcement of violations; penalties.*

* * *

278 (d) County employees ~~Consumer investigators~~ assigned to the
280 Orange County Consumer Protection Office ~~Fraud Investigative~~
282 ~~Unit~~ and designated as code enforcement officers by the County
284 shall also be considered code inspectors for purposes of
286 enforcing this division ~~article~~ pursuant to F.S. ch. 162, part I,
and chapter 11, article II, of this code, and code enforcement
officers for the purposes of enforcing this division pursuant to
F.S. ch. 162, part II, and chapter 11, article III, of this code.

* * *

290 *Section 4. Amendments to Chapter 11, Article III, Section 11-62.* Chapter 11 (“Code
Enforcement”), Article III (“Code Enforcement Citation Program”), Section 11-62 (“Applicable
292 codes and ordinances”) is amended to read as follows, with additions being shown by underlines
and deletions being shown by strike-throughs:

294 **CHAPTER 11. CODE ENFORCEMENT**

* * *

298 **ARTICLE III. CODE ENFORCEMENT CITATION
PROGRAM**

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Section 11-62. Applicable codes and ordinances.

A schedule of codes and ordinances, which may be enforced pursuant to the supplemental code enforcement citation procedures contained herein, is set out directly below as Schedule “A”. Where a chapter or part of a chapter is referenced, all sections within that chapter or part are subject to enforcement by citation. If a section within a referenced chapter has a specific penalty identified therein, that more-specific penalty shall prevail so long as it does not exceed the maximum penalty permitted by F.S. ch. 162, as amended. The schedule of codes and ordinances shall include such codes and ordinances as they may be from time to time amended, renumbered, codified, or recodified including codes and ordinances enacted subsequent to the adoption of this article.

SCHEDULE “A”

Code Provision	Description	Class
Chapter 2, Article IX	Emergency management	III
Section 3-101	Adult entertainment establishment general operational rules	II
Section 9-277	Property maintenance	I
Chapter 15	Environmental control	III
Chapter 18	Fire prevention and protection	III
Section 21-3	Uniform numbering system	I
Section 21-239	Vending operation on public right- of-way or unpermitted vending operation on property abutting a public right-of-way	II

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Chapter 24	Landscaping, buffering and open space	I
Chapter 25, Article II	Garage Sales	I
Chapter 25, Article III	Local business taxes	II
Chapter 25, Article XIII, Division 1	Rental Notices Ordinance	III
Chapter 25, Article XIII, Division 3	Tenant’s Bill of Rights Ordinance	III
Chapter 28, Article II	Lot Cleaning	I
Chapter 28, Article III	Parking of motor vehicles on residentially and agriculturally zoned property	II
Chapter 31.5	Signs	III
Chapter 32	Solid Waste	II
<u>Chapter 35, Article II, Division 3</u>	<u>Trespass towing from private property, nonconsensual towing, and vehicle immobilization</u>	<u>III</u>
Chapter 38	Zoning	II

Section 5. Repeal of Laws in Conflict. All local laws, resolutions, and ordinances in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Section 6. Filing of Ordinance and Effective Date. This ordinance shall take effect

328 pursuant to general law.

330 ADOPTED THIS ____ DAY OF _____, 20__.

332

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

336

By: _____

338

Jerry L. Demings
Orange County Mayor

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342

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

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346 By: _____

Deputy Clerk

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