

# **ORDINANCE**

**06-22**

**ORDINANCE NO. 06-22**

**AN ORDINANCE RELATING TO CONSUMER PROTECTION IN HILLSBOROUGH COUNTY; PROVIDING A TITLE; PROVIDING DEFINITIONS; PROVIDING FOR THE PROHIBITION OF UNFAIR, DECEPTIVE OR UNCONSCIONABLE TRADE ACTS OR PRACTICES; PROVIDING FOR THE PROHIBITION OF ADDITIONAL UNLAWFUL ACTS UNDER THE CONSUMER PROTECTION ORDINANCE; PROVIDING FOR ADOPTION BY REFERENCE OF CERTAIN STATUTES; ESTABLISHING THE CONSUMER PROTECTION BOARD OF HILLSBOROUGH COUNTY; PROVIDING FOR COMPOSITION, TERMS, PROCEDURES AND RECORDS OF THE CONSUMER PROTECTION BOARD; PROVIDING FOR DUTIES AND RESPONSIBILITIES OF THE CONSUMER PROTECTION BOARD; PROVIDING FOR THE DUTIES AND POWERS OF THE CONSUMER PROTECTION AGENCY; PROVIDING FOR ENFORCEMENT PROCEDURES; PROVIDING FOR ISSUANCE OF ASSURANCE OF VOLUNTARY COMPLIANCE; ESTABLISHING A CIVIL CITATION PROCESS; PROVIDING FOR CIVIL PENALTIES; PROVIDING PENALTIES FOR REFUSAL TO SIGN AND ACCEPT A CITATION; PROVIDING FOR ADMINISTRATIVE FEES; PROVIDING FOR SUBPOENA POWERS; PROVIDING FOR CRIMINAL PENALTIES; PROVIDING FOR OTHER RIGHTS AND REMEDIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR COMPLIANCE WITH STATE LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR RESOLUTION OF CONFLICT OF LAWS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR REPEAL OF ORDINANCE 94-5 AND ORDINANCE 96-3.**

**WHEREAS**, in 1994, the Hillsborough County Board of County Commissioners enacted Ordinance No. 94-5, to provide for consumer protection; and

**WHEREAS**, in 1996, the Hillsborough County Board of County Commissioners enacted Ordinance No. 96-3 to amend Ordinance No. 94-5 by deleting the requirement that the clerk of the BOCC make and maintain the record of Consumer Protection Board meetings; and

**WHEREAS**, Section 125, Florida Statutes, as may be amended, authorizes the Hillsborough County Board of County Commissioners to provide and maintain for the citizens of said County, standards which insure their health, safety and welfare; and

**WHEREAS**, the Hillsborough County Board of County Commissioners recognizes the need to promote honest and fair business practices; and

**WHEREAS**, the protection of the citizens of and visitors to Hillsborough County from unfair, deceptive or unconscionable trade acts or practices is in the best interest of the public; and

**WHEREAS**, the Hillsborough County Board of County Commissioners recognizes that the public health, safety and welfare of the residents of the County will best be served by enacting a Hillsborough County Consumer Protection Ordinance that provides for enforcement by the Consumer Protection Agency through many means including a citation process; and

**WHEREAS**, Chapter 162, Florida Statutes, as may be amended, authorizes the Hillsborough County Board of County Commissioners to implement a citation process to enforce ordinances; and

**WHEREAS**, the public health, safety and welfare of the residents of the County is further served by providing for the advisory, promotional and educational role of the Consumer Protection Board.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:**

**SECTION 1. TITLE.**

This Ordinance shall be known and may be cited as the "Hillsborough County Consumer Protection Ordinance".

**SECTION 2. DEFINITIONS.**

For the purpose of this Ordinance, the following terms shall have the meanings as indicated. No attempt is made to define any words which are used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include words in the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall", "will" and "must" are mandatory and the word "may" is permissive.

1. **ASSURANCE OF VOLUNTARY COMPLIANCE** – shall mean a written

agreement between the Agency and a Merchant, entered into willingly by each party with the assistance, supervision or oversight of an Investigator, as set forth in Section 10 of this Ordinance.

2. BOARD - shall mean the Hillsborough County Consumer Protection Board.

3. BOCC - shall mean the Hillsborough County Board of County Commissioners.

4. CITATION – shall mean a written notice issued to a person or merchant by an investigator indicating that the investigator has reasonable cause to believe that the person or merchant has committed a civil infraction in violation of the Hillsborough County Consumer Protection Ordinance and that either a Hearing Master or County Court Judge will hear the charge. The Hillsborough County court system shall have jurisdiction to hear these citations.

5. COMPLAINANT – shall mean any person who witnesses or who is subjected to an unlawful practice or conduct in violation of this Ordinance who files a written complaint with the Agency stating the name and address, if known, of the person or merchant alleged to have committed the violation complained of and the particulars thereof, and such other information as may be required by the Agency.

6. CONSUMER - shall mean any person who actually or prospectively by written contract or otherwise, engages in commerce with a merchant.

7. CONSUMER GOODS, SERVICES, CREDIT AND DEBTS - shall mean any goods, services, credit or debts which are primarily for personal, household or family purposes.

8. CONSUMER PROTECTION AGENCY OR AGENCY – shall mean the Section, and any successive agency/department that may be tasked with the same responsibilities by the County Administrator, currently under the Consumer Protection and Professional Responsibility Agency, that is responsible for enforcing and implementing the provisions of this Ordinance consistent with its provisions and all applicable state and federal consumer protection legislation, codes and rules. The Agency's responsibilities further include, but are not limited to, the protection and education of consumers through the utilization of publications, media and other materials within available resources.

9. DECEPTIVE TRADE PRACTICE - shall include any of the following:

a. Any false, falsely disparaging or misleading oral or written statement, visual description or other representation of any kind, which has the capacity, tendency or effect of deceiving or misleading a consumer and is made in connection with the sale, lease, rental or loan of consumer goods or services; the offering for sale, lease,

rental or loan of consumer goods or services; the extension of consumer credit; or the collection of consumer debts. Deceptive trade practices include, but are not limited to, those defined or otherwise described in Chapter 501, Florida Statutes, as may be amended, and/or the Rules of the Florida Department of Legal Affairs promulgated thereunder and as may be amended, and any rules promulgated pursuant to the Federal Trade Commission Act, as may be amended, that are not in conflict with Florida laws and rules;

b. The unreasonable detention of any bailment or personal property in connection with a consumer transaction;

c. A failure to perform as represented;

d. Harassment; and

e. Any activity in violation of Chapter 83, Florida Statutes, as may be amended, as it relates to residential tenancies.

10. ENGAGING IN COMMERCE - shall mean advertising, soliciting, providing, offering, or distributing, whether by sale, rental or otherwise, any goods or services, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated.

11. HARASSMENT - shall include but shall not be limited to any of the following:

a. Threatened or actual use of force or violence;

b. Threatened or actual communication with a debtor's employer prior to obtaining a final judgment against the debtor, unless the debtor gives permission in writing to contact the debtor's employer or acknowledges in writing the existence of the debt after the debt has been placed for collection; however, this shall not prohibit a person or merchant from telling the debtor that the debtor's employer will be contacted if a final judgment is obtained;

c. Disclosure of information affecting the debtor's reputation, whether or not for credit worthiness, to a third party, with knowledge or reason to know that the third party does not have a legitimate business need for the information or that the information is false;

d. Willful communication or other conduct with the debtor, debtor's family members or anyone residing with the debtor with such frequency as can be reasonably expected to harass or abuse them;

e. Use of profane, obscene, vulgar, or willfully abusive language in communicating with the debtor, the debtor's family members, or anyone residing with the

debtor;

f. Claims, attempts, or threats to enforce: (1) a consumer claim when such person or merchant knows that the claim is not legitimate; or (2) some other legal right when such person or merchant knows that such right does not exist;

g. Use of a communication which simulates, in any manner, legal or judicial process or which gives the appearance of being authorized, issued or approved by government, a governmental agency, or attorney at law, when it is not;

h. Oral or written communication with a debtor in such a manner as to give the false impression or appearance that such person or merchant is an attorney, is an employee of an attorney or is otherwise professionally associated with an attorney;

i. The refusal, by person(s) or merchant(s) who extend credit as part of their business, to extend credit without explanation and without allowing the applicant an opportunity to correct errors in his or her credit records;

j. The termination of an existing line of consumer credit without explanation and/or without allowing the debtor an opportunity to correct errors in the debtor's credit report; and

k. Threatened or actual release of information affecting a debtor's reputation for credit worthiness to a third party, orally or in writing, directly or indirectly, without also disclosing facts concerning any disputed matter. If a disclosure is made prior to a dispute having been asserted by the debtor and written notice is received from the debtor that any part of the claim is disputed, the person or merchant making the original disclosure shall reveal, within thirty (30) days of receipt of debtor's written notice, the details of the dispute to each person to whom disclosure of the debt without notice of the dispute was made within the preceding ninety (90) days, if requested by the debtor.

12. INVESTIGATOR – shall mean a person performing services in an official capacity for the Consumer Protection Agency.

13. MERCHANT - shall mean a manufacturer, supplier, seller, lessor, creditor or other person who makes available to consumers, either directly or indirectly, goods, services or credit. The definition of merchant covers what is commonly referred to as businesses as well as persons.

14. ORDINANCE – shall mean this Hillsborough County Consumer Protection Ordinance.

15. PERSON - shall mean any individual (including a minor child engaged in a consumer transaction), firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

16. TRADE - shall mean the advertising, soliciting, providing, offering, or distributing, whether by sale, rental or otherwise, of any goods or services, or any property, whether tangible or intangible, or any other article, commodity, or thing of value, wherever situated.

SECTION 3. UNFAIR, DECEPTIVE OR UNCONSCIONABLE TRADE ACTS OR PRACTICES PROHIBITED.

No person or merchant shall engage in any unfair, deceptive or unconscionable act or trade practice in the conduct of any trade, commerce or consumer transaction. It is the intent of this Ordinance that in construing the provisions contained herein, due consideration and great weight shall be given to the interpretations of the Federal Trade Commission, federal and state courts relating to the Federal Trade Commission Act, 15 U.S.C. §41, et. seq., and any rules promulgated pursuant to the Federal Trade Commission Act, as well as any other federal and/or State of Florida consumer laws, rules or regulations which prohibit and proscribe unfair, deceptive or unconscionable trade acts or practices, as they are amended from time to time or hereinafter enacted.

SECTION 4. ADDITIONAL UNLAWFUL ACTS UNDER THE CONSUMER PROTECTION ORDINANCE.

1. It shall be a violation of this Ordinance for any person or merchant, during the course of any trade, commerce or consumer transaction, to engage in such conduct, without obtaining licenses or permits required by Hillsborough County Ordinance or State or Federal law for such conduct.

2. Failure of any landlord to comply with any provision of Chapter 83, Florida Statutes, as may be amended, dealing with residential tenancies, shall be deemed a deceptive trade practice and a violation of this Ordinance.

3. Failure to abide by any provision of an Assurance of Voluntary Compliance shall be considered a violation of this Ordinance.

SECTION 5. ADOPTION BY REFERENCE OF CERTAIN STATUTES.

All Federal and Florida statutes, and rules adopted thereunder, defining and prohibiting false advertising and offenses related to residential tenancies, consumer protection and trade standards, defined by state law, are adopted and incorporated by reference as part of this Ordinance to the same extent and the same effect as if the provisions of each statute were set out in full herein, defining and prohibiting such other offense against the State to be prohibited by, or an offense in violation of this Ordinance. This shall include, but is not limited to, Chapter 501, Florida Statutes, as amended, and all rules adopted pursuant to Section 501.205, Florida Statutes, as amended. Chapter 817, Florida Statutes, as amended, and any and all consumer regulatory statutes are hereby adopted by reference.

SECTION 6. CONSUMER PROTECTION BOARD OF HILLSBOROUGH COUNTY.

1. Creation of the Board. There is hereby created and established a Hillsborough County Consumer Protection Board ("Board"). Each member of the Board shall be a citizen of the United States and a registered voter of Hillsborough County and shall act in the public interest in all matters related to this Ordinance. The Board shall consist of nine (9) members who shall be appointed by the Hillsborough County Board of County Commissioners ("BOCC") and due consideration shall be given to achieve a demographic balance among the appointments.

2. Composition. The composition and representative membership of the Board, including the filling of vacancies, shall be established pursuant to Resolution of the BOCC.

3. Compensation. All members appointed to the Consumer Protection Board shall serve without compensation. However, the members of the Board may be reimbursed for lawful and necessary expenses.

4. Terms. Each term of membership shall be for a period of two (2) years. No member shall serve for more than three (3), consecutive two-year terms. Appointments to fill any vacancy on the Board created by the resignation or removal of a Board member shall be for the remainder of the unexpired term of the Board member who has resigned or been removed. The time period served by a Board member to fill the remainder of the unexpired term of a Board member who has resigned or been removed shall not be included in calculating the three term limit period.

5. Removal. The Board shall establish in its by-laws the procedures for removal of any Board member for the reasons specified. Notwithstanding the removal procedures included in the by-laws, nothing herein shall be construed as a prohibition against applying for re-appointment by the BOCC so long as the term limitations contained herein are not exceeded. Any Board member may be removed from office by the BOCC for cause.

6. Meetings, Quorum, Records. Regular meetings of the Board shall be scheduled at least quarterly during the calendar year. The Board may vote at a regular meeting to schedule additional meetings, as it deems necessary or desirable. Special meetings of the Board may be convened by the Chairperson or Vice-Chairperson upon serving at least 24 hours prior notice to all Board members. A simple majority of appointed members of the Board shall constitute a quorum. Actions require the approval of a simple majority of Board members present at a meeting at which a quorum is present. All meetings shall be open to the public and a written record of such meetings shall be maintained by the Hillsborough County Government Agency charged with the responsibility of administering this Ordinance, which as of the date hereof, is the Consumer Protection Agency. Meetings of the Board shall be in compliance with the requirements of Section 286.011, Florida Statutes, as may be amended.

7. By-laws; Officers. The Board shall have the authority to adopt such reasonable by-laws and rules to govern its own procedures and meetings it deems necessary and appropriate and which are consistent with this Ordinance. The Board shall, at its first meeting during the calendar year, elect from its members a Chairperson, a Vice-Chairperson, and a Recording Secretary. Each officer shall serve for a twelve (12) month term, except that in the event an office is vacated, an interim officer shall be elected for the remainder of the vacated term. Officers may be re-elected but may not serve more than two full consecutive terms in the same office. The Board may elect such other officers as it deems appropriate.

8. Legal Counsel. The County Attorney's Office shall provide legal counsel as reasonably required by the Board.

SECTION 7. DUTIES AND RESPONSIBILITIES OF THE CONSUMER PROTECTION BOARD.

The duties and responsibilities of the Board are as follows:

1. Serve in a recommending capacity to the Agency with respect to consumer related matters in Hillsborough County;
2. Encourage local businesses and industries to maintain high standards of honesty, fair business practices and public responsibility in the production, promotion, and sale of consumer goods and services and in the extension of credit services;
3. Collect and disseminate information relevant to consumer education, protection and legislation; and
4. Establish, promote and participate in cooperation with the Agency in a planned public education and awareness program for Hillsborough County consumers.

SECTION 8. POWERS AND DUTIES OF THE CONSUMER PROTECTION AGENCY.

1. The Agency's duties shall include, but are not limited to, planning, recommending, researching and developing programs for consumer education and protection, and facilitating the exchange and dissemination of information in consultation with other agencies, federal and state officials, commercial interests, private groups and others familiar with consumer issues.
2. The Agency may provide recommendations to appropriate agencies that grant, issue, transfer, renew, revoke, suspend and cancel licenses and permits.
3. The Agency shall receive and evaluate complaints and initiate investigations relating to consumer matters and take appropriate action, including

referrals to appropriate agencies and the filing of criminal complaints with state or federal prosecutory agencies.

4. The Agency may initiate an investigation into any suspected violation of this Ordinance or any other consumer related law and, when warranted, may issue an Assurance of Voluntary Compliance or refer the matter to a state or federal prosecutory agency for prosecution.

5. The Agency may also issue citations for violations of this Ordinance, when appropriate, and shall review, prepare and present cases to either a Hearing Master appointed for that purpose or a County Court Judge.

6. The Agency may request the issuance of subpoenas in connection with either an investigation or a case to be heard before the Hearing Master or County Court Judge.

7. During each regularly scheduled meeting of the Board, the Agency shall submit a status report to the Board on the pertinent activities of the Agency.

#### SECTION 9. ENFORCEMENT.

1. Any person who witnesses or who is subjected to an unlawful practice or conduct in violation of this Ordinance may file a written complaint stating the name and address, if known, of the person or merchant alleged to have committed the violation complained of and the particulars thereof, and such other information as may be required by the Agency.

2. Upon receipt and verification of a complaint, the Agency shall cause the initiation of an appropriate investigation of the alleged actions. If there are reasonable grounds to believe a violation has occurred, the Agency may:

a. Notify the alleged violator of the finding of reasonable grounds to believe that a violation has occurred and allow the violator a specified time to correct the violation, not to exceed thirty (30) days;

b. Attempt to conciliate the matter through conference(s) with all interested parties and such representatives as the parties may choose to assist;

c. Make every effort to fully utilize county, state and federal agencies in an effort to resolve consumer complaints;

d. Issue an Assurance of Voluntary Compliance as provided for in Section 10, below;

e. Refer the matter to appropriate agencies and file criminal complaints with state or federal prosecutory agencies;

f. Issue a citation to the alleged violator after notice and opportunity to correct the violation has been provided to the alleged violator, as set forth in Paragraph 2(a) above; and

g. Seek Injunctive Relief, upon approval of the BOCC, as a means of enforcing this Ordinance. Said injunctive relief may include, but is not limited to: a cease and desist order prohibiting the alleged violator from engaging in an unfair, deceptive, or unconscionable trade act or practice; investigative costs; attorney's fees; and restitution on behalf of the aggrieved consumer(s).

3. If the Agency determines that there are no reasonable grounds to believe that a violation has occurred, the Agency shall dismiss the matter and provide written notice to the Complainant.

#### SECTION 10. ASSURANCE OF VOLUNTARY COMPLIANCE.

After receiving and investigating a consumer complaint, if the Agency determines that a violation of this Ordinance or any other consumer related law has occurred, the Agency may accept an Assurance of Voluntary Compliance as an alternative to initiating citation action or injunctive relief. The Assurance of Voluntary Compliance shall be executed by the person responsible for the violation or, in the case of a business entity other than a sole proprietorship, the authorized agent for the business entity responsible for insuring that no future violations shall occur. Pursuant to the terms of the Assurance of Voluntary Compliance, the responsible person or merchant shall agree to refrain from and prevent any future violations of this Ordinance or any other consumer related law. If the business, merchant, and/or individual subject to the Assurance of Voluntary Compliance fails to adhere to the terms of the Assurance of Voluntary Compliance, said failure shall constitute a violation of this Ordinance in its own right, as indicated in Section 4(3). A citation may be issued for the underlying violation as well as the violation of the Assurance of Voluntary Compliance.

#### SECTION 11. CITATIONS.

1. A citation from an investigator may be issued to any person or merchant believed to have committed a civil infraction in violation of this Ordinance, based upon reasonable cause.

2. Each citation shall state the following:

- a. The name and business or personal address of the alleged violator;
- b. The location of the offense;
- c. The approximate date and time the civil infraction was committed;

- d. The date and time of issuance;
- e. The facts constituting reasonable cause for the violation;
- f. The Ordinance and specific section of the Ordinance, if applicable,  
violated;
- g. The name and authority of the person issuing the citation;
- h. The procedure for the alleged violator to pay the civil penalty, to  
contest the citation and to appear in court;
- i. The civil penalty should the alleged violator choose not to contest  
the citation;
- j. The maximum civil penalty should the alleged violator choose to  
contest the citation;
- k. A statement that the alleged violator, should he, she, or it elect not to  
appear in court or pay the civil penalty, that the alleged violator shall be deemed to have  
waived any right to contest the citation and that, in such case, a judgment may be entered  
against the alleged violator for the maximum civil penalty allowed by law; and
- l. A statement, that when the alleged violator is required to appear in  
court, indicating that the alleged violator does not have the option of paying the civil  
penalty.

3. Pursuant to Section 9(2)(f) and this Section, and notwithstanding Section 15, which authorizes the Agency to pursue prosecution of an alleged violator of this Ordinance criminally, in lieu of other enforcement mechanisms set forth by Section 9, a violation of this Ordinance is a civil infraction with a maximum civil penalty of Five Hundred Dollars (\$500.00).

4. Each day the alleged violator fails to come into compliance with the provisions of this Ordinance after receiving a notice from the Agency in accordance with Section 9(2)(a) above, constitutes a separate and distinct offense and may be cited consistent with this provision. Multiple violations of this nature may be cited on a single citation form.

5. A civil violation of this Ordinance must be proven by a preponderance of the evidence at a hearing.

6. All civil penalties for violations of this Ordinance shall be set forth by resolution adopted by the Board of County Commissioners with respect thereto.

7. Certain offenses, as set forth by resolution, may require mandatory court

appearances. The citation must clearly inform the alleged violator of the mandatory court appearance. Alleged violators required to appear in court do not have the option of paying the civil penalty instead of appearing in court.

8. If an alleged violator fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required for a mandatory court appearance, the court may enter an order to show cause. This order shall require such alleged violator to appear before the court to explain why they failed to take action on the citation. If any alleged violator fails to appear in response to the Court's directive, that alleged violator may be held in contempt of court.

9. The Hillsborough County court system shall have jurisdiction over all citations issued for alleged violations of this Ordinance.

10. If an alleged violator fails to appear in court to contest the citation, the alleged violator shall be deemed to have waived any right to contest the citation and a judgment may be entered against that alleged violator for an amount up to the maximum civil penalty.

#### SECTION 12. REFUSAL TO SIGN AND ACCEPT A CITATION.

In accordance with Section 162.21, Florida Statutes, as may be amended, any person or merchant that willfully refuses to sign and accept a citation issued by an investigator is guilty of a criminal misdemeanor of the second degree and punishable as provided for by Section 775.082 or Section 775.083, Florida Statutes, as may be amended.

#### SECTION 13. ADMINISTRATIVE FEES.

A surcharge upon each civil penalty for a violation of this Ordinance may be imposed and collected. This fee may be used for the payment of Hearing Masters utilized in connection with the hearing of citations issued for violations of this Ordinance.

#### SECTION 14. SUBPOENAS.

Once a citation has been filed with the Hillsborough County Clerk's Office, subpoenas for witness testimony or for documentary evidence may be issued by an attorney from the County Attorney's Office or the Hillsborough County Clerk's Office. When a possible criminal investigation is pending, investigative subpoenas may be issued by an Assistant State Attorney. Upon the failure or refusal of any person or merchant to obey any subpoena issued in connection with this Section, the Court may enter an order compelling the witness to appear and testify or produce documentary evidence. Failure to obey the court order may be punishable as a contempt of court.

SECTION 15. CRIMINAL PENALTIES.

Violations of this Ordinance shall be prosecuted in the same manner as a misdemeanor in accordance with the provisions of Section 125.69, Florida Statutes, as may be amended, and are punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the Hillsborough County jail for a period not to exceed sixty (60) days or by both such fine and imprisonment.

SECTION 16. OTHER RIGHTS AND REMEDIES.

Nothing herein shall prevent any person from exercising any right or seeking any private remedy or redress to which one might otherwise be entitled, or from filing any complaint with any other agency.

SECTION 17. APPLICABILITY.

It is hereby intended that this Ordinance shall constitute a uniform law applicable in all of the unincorporated areas of Hillsborough County, Florida, and to all incorporated areas of Hillsborough County where there is no existing conflict of law or municipal ordinance.

SECTION 18. COMPLIANCE WITH STATE LAW.

Nothing in the Ordinance shall be construed to exempt compliance with State and Federal laws related to consumer protection. Violation of these laws may be prosecuted as applicable.

SECTION 19. SEVERABILITY.

If any portion of this Ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void by any court of competent jurisdiction, such holdings shall not affect the validity of the remainder of this Ordinance.

SECTION 20. RESOLUTION OF CONFLICT OF LAWS.

In all instances where Florida law, as evidenced by the Florida Administrative Code, Florida Statutes, applicable case law or otherwise, mandates standards or requirements that conflict with the provisions of this Ordinance, said law shall govern and the same be incorporated by this reference as part of this Ordinance. For purposes of this Ordinance, a conflict shall exist where, upon a particular matter, Florida law addresses the matter in a manner that is more strict than the provisions of this Ordinance, or where a matter is addressed by Florida law that is not addressed by this Ordinance. In these two situations, Florida law shall control. In situations where this Ordinance addresses a matter in a manner that is more strict than that of Florida law, the provisions of this Ordinance shall control.

SECTION 21. EFFECTIVE DATE.

This Ordinance shall become effective upon receipt of official acknowledgement from the Secretary of State, State of Florida, that a copy of said Ordinance has been duly filed with that office.

SECTION 22. REPEAL OF ORDINANCE 94-5 AND ORDINANCE 96-3.

Hillsborough County Ordinance 94-5 and Ordinance 96-3 relating to Consumer Protection in Hillsborough County, Florida, are hereby repealed in their entirety.

STATE OF FLORIDA                    )  
COUNTY OF HILLSBOROUGH )

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting of 8/16/2006 as the same appears in record in Minute Book 363 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 18th day of August, 2006.

PAT FRANK  
CLERK OF THE CIRCUIT COURT

BY: Michael K. Dyer  
Deputy Clerk



Approved as to form  
and legal sufficiency:

BY: Cynthia S. Oser  
County Attorney

**ORDINANCE NO. 08-1**

**AN ORDINANCE OF HILLSBOROUGH COUNTY, FLORIDA; AMENDING HILLSBOROUGH COUNTY ORDINANCE 06-22 ENTITLED THE HILLSBOROUGH COUNTY CONSUMER PROTECTION ORDINANCE; DISBANDING THE HILLSBOROUGH COUNTY CONSUMER PROTECTION BOARD AND DELETING THE DUTIES, POWERS AND OTHER RESPONSIBILITIES RELATED TO THE CONSUMER PROTECTION BOARD ENUMERATED IN THE ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in 1994, the Hillsborough County Board of County Commissioners enacted Ordinance No. 94-5, to provide for consumer protection; and

**WHEREAS**, in 2006, the Hillsborough County Board of County Commissioners enacted Ordinance No. 06-22 which repealed and replaced Ordinance 94-5;

**WHEREAS**, Ordinance No. 06-22 established a civil citation program to enforce its provisions and extensively diminished the role of the Consumer Protection Board; and

**WHEREAS**, Chapter 125, Florida Statutes, as it may be amended, authorizes the Hillsborough County Board of County Commissioners to provide and maintain for the citizens of said County, standards which insure their health, safety and welfare; and

**WHEREAS**, on December 5, 2007, the Hillsborough County Board of County Commissioners acknowledged the Consumer Protection Agency currently performs essentially the same functions as the Consumer Protection Board, and authorized the County Attorney's Office to draft an amendment to Hillsborough County Ordinance 06-22 disbanding the Consumer Protection Board; and

**WHEREAS**, disbanding the Consumer Protection Board will increase local government efficiencies and reduce costs for taxpayers.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA:**

**SECTION 1:** Section 6 of Hillsborough County Ordinance 06-22, which creates the Consumer Protection Board, is hereby deleted in its entirety.

**SECTION 2:** Section 7 of Hillsborough County Ordinance 06-22, which contains the Duties and Responsibilities of the Consumer Protection Board, is hereby deleted in its entirety.

**SECTION 3:** Paragraph 7 of Section 8 of Hillsborough County Ordinance No. 06-22 is hereby deleted in its entirety. The remainder of Section 8 is renumbered as Section 6 of Hillsborough County Ordinance No. 06-22.

**SECTION 4:** Sections 9 through 22 of Ordinance No. 06-22 are renumbered Sections 7 through 20, respectively.

**SECTION 5: SEVERABILITY.**

If any portion of this Ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void by any court of competent jurisdiction, such holdings shall not affect the validity of the remainder of this Ordinance.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall be effective on the date of its filing with the Florida Department of State.

STATE OF FLORIDA                    )  
COUNTY OF HILLSBOROUGH )

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above foregoing is a true and correct copy of an Ordinance adopted by the Board at its regular meeting of January 16, 2008, as the same appears in record in Minute Book 380 of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 17th day of January, 2008.

PAT FRANK  
CLERK OF THE CIRCUIT COURT

BY: Beverly Anne Miller  
Deputy Clerk



Approved as to form  
and legal sufficiency:

BY: [Signature]  
Assistant County Attorney