

ORDINANCE 2001-07

AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 18, LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS; BY AMENDING ARTICLE II, SECTION 18-19 ISSUANCE PROCEDURE-APPLICATION, THROUGH AMENDING PARAGRAPH (c); BY AMENDING ARTICLE II, SECTION 18-73 REVOCATION OF OCCUPATIONAL LICENSES, THROUGH AMENDING PARAGRAPH (a); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA AS FOLLOWS:

SECTION 1. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 18, SECTION 18-19, PARAGRAPH (c) IS HEREBY AMENDED TO READ:

Sec. 18-19. Issuance procedure - Application.

(a) No license shall be issued except upon written application of the person applying for the same. The tax collector, before issuing a license based wholly or in part upon capacity, number of persons employed, or any other contingency, shall require the person applying for such license to file, under oath, a statement giving full and complete information relative to the capacity, number of persons employed, or other contingency, as the case may be. The applications and statements required by this section shall be retained as a part of the records in the tax collector's office.

(b) No license shall be issued unless the Federal Employer Identification Number or Social Security Number is obtained from the person to be licensed.

(c) Applicant shall be provided with a notice approved by the County Administrator or his designee, which notice shall inform applicant that issuance of an occupational license does not relieve or excuse applicant from compliance with all applicable federal and state laws and rules and local ordinances, including but not limited to zoning and land use regulations, and that a certificate of use demonstrating compliance with zoning and land use regulations is required by ordinance before any new use or change in an existing use of land. It is the responsibility of applicant at all times to take all actions necessary to comply with applicable federal and state laws and rules and local ordinances.

(d) The application forms required in this section shall be furnished or approved by the board of county commissioners.

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**SECTION 2. HERNANDO COUNTY CODE OF ORDINANCES CHAPTER 18,
SECTION 18-73, PARAGRAPH (a) IS HEREBY AMENDED TO
READ:**

Sec. 18-73. Revocation of occupational licenses.

(a) Any occupational license issued to any person under the provisions of this article may be revoked or suspended by the board of county commissioners whenever the board shall find at a public hearing, held after written notice of ten (10) days to any affected person or persons, that a person who has been issued an occupational license under this article:

- (i) has engaged in any fraudulent business or trade practices, including but not limited to, those set forth in chapter 817 of the Florida Statutes, Parts I, II, III and IV, as it may be amended from time to time; or
- (ii) has failed or refused to obtain a certificate of use as required by ordinance before any new use or change in an existing use of land.

Revocation of an occupational license shall not entitle the licensee to any refund of occupational license tax or any other fees or charges in connection therewith.

(b) Any person whose license has been revoked or suspended under this procedure may apply in writing within sixty (60) days of such revocation or suspension to the board of county commissioners for a rehearing or may file an appeal with the circuit court pursuant to the Florida Appellant Rules.

(c) The board of county commissioners shall have the power to promulgate and adopt such rules and regulations pertaining to revocation of occupational license taxes as may be necessary to insure the just and fair administration and enforcement of these provisions.

(d) As used in this section:

Business shall include every kind of commercial establishment, occupation, calling, or operation of institutions.

Person shall mean an individual, person, firm, partnership, corporation, association, executor, administrator, trustee, joint adventure, estate, trust, business trust, syndicate, fiduciary, and all other business groups or combinations.

Conviction shall mean a verdict of guilty or any plea of guilty or nolo contendere, regardless of whether the court sentences the defendant to probation or withholds its formal adjudication.

(e) Upon conviction of any person of an offense prescribed by Chapter 847, Florida Statutes, maintaining, owning, or operating a business as herein defined, who possesses an occupational license issued by the county tax collector, of an offense proscribed by Chapter 847 of the Florida Statutes, entitled "Obscene Literature; Profanity", or of attempting to, soliciting

another, conspiring with another (as defined in Section 777.04 Florida Statutes), to commit an offense proscribed by Chapter 847 of the Florida Statutes, or where any person maintaining, owning or operating a business as defined herein, who possesses an occupational license issued by the county tax collector, has suffered, permitted, required or otherwise directed any other person to commit an offense proscribed by the aforementioned status on the premises of such business, and where such other person has been convicted of such offense arising out of activities on the premises of such business, the occupational license for the business where the offense took place shall be automatically suspended, provided that:

- (1) Within thirty (30) days of the date of the automatic suspension of the occupational license, the board of county commissioners shall hold a hearing wherein such person shall have an opportunity to appear before such board to show cause why such occupational license shall not be suspended for a definite time period, or revoked.
- (2) Upon completion of said hearing, the board of county commissioners shall take one of the following actions:
 - a. Reinstatement of the occupational license of such business, subject to such conditions as shall be deemed reasonably necessary by the board of county commissioners to assure compliance with the provisions and the intent of this article.
 - b. Suspend the occupational license of such business for a period of time to be determined by the board of county commissioners, not to exceed one (1) year.
 - c. Revoke the occupational license of such business.

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance, for any reason, is held to be unconstitutional, void, or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

SECTION 4. INCLUSION INTO THE CODE

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County as an amendment thereto, and shall conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

This ordinance shall become effective upon receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR
SESSION THIS 5th DAY OF JUNE, 2001.**

(SEAL)
Attest: Karen Nicolai
KAREN NICOLAI, Clerk

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

By: Christopher Kingsley
CHRISTOPHER KINGSLEY, Chairman