

ORDINANCE 93 - 5

AN ORDINANCE RELATING TO SALE OF PRODUCTS BY VENDORS IN THE UNINCORPORATED AREAS OF THE COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Florida, pursuant to Florida Statutes, Section 501.022, regulates home solicitation sales in excess of twenty-five dollars (\$25.00); and

WHEREAS, the Board of County Commissioners believes it is in the best interest of the citizens of Nassau County to regulate home solicitation sales less than twenty-five dollars (\$25.00); and

WHEREAS, the Board of County Commissioners finds that it is in the best interest for the health, safety, and welfare of the citizens of Nassau County to regulate said sales.

NOW, THEREFORE, BE IT ORDAINED this 11th day of January, 1993, by the Board of County Commissioners of Nassau County, Florida, as follows:

SECTION ONE: HOME SOLICITATION SALES

This Ordinance shall be known as the "Home Solicitation Sales Ordinance".

SECTION TWO: DEFINITIONS

1. "Home solicitation sale" means a sale, lease, or rental of consumer goods or services with a purchase price less than twenty-five dollars (\$25.00), whether under single or multiple contracts, made pursuant to an installment contract, a loan agreement, other evidence of indebtedness, or a cash transaction or other consumer credit transaction, in which:

(a) The seller or a person acting for him engages in a

personal solicitation of the sale, lease, or rental at a place other than at the seller's fixed location business establishment where goods or services are offered or exhibited for sale, lease, or rental, and

(b) The buyer's agreement or offer to purchase is given to the seller and the sale, lease, or rental is consummated at a place other than at the seller's fixed location business establishment, including a transaction unsolicited by the consumer and consummated by telephone and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services. It does not include a sale, lease, or rental made at any fair or similar commercial exhibit or a sale, lease, or rental that results from a request for specific goods or services by the purchaser or lessee or a sale made by a motor vehicle dealer licensed under Florida Statutes, Section 320.27 which occurs at a location or facility open to the general public or to a designated group.

(c) This Ordinance shall include mobile vendors.

SECTION THREE: APPLICATION

1. Applicants for permits shall file sworn applications in writing with the Clerk of the Circuit Court. The Clerk is authorized to impose a reasonable permit fee sufficient to offset the administrative costs associated with the permitting procedure. Each applications shall contain the following information:

- (a) Full name of applicant.
- (b) Date of birth of applicant.

- (c) Race and sex of applicant.
- (d) Permanent residence address of applicant.
- (e) Local residence address of applicant.
- (f) Name and address of applicant's employer.
- (g) Two (2) recent color photographs of applicant.
- (h) A statement as to whether or not the applicant has been convicted of or has pleaded guilty or nolo contendere to any crime, the nature of the offense, and the punishment or penalty assessed therefor.
- (i) A complete set of fingerprints taken by an authorized law enforcement agency.

2. Upon receipt of a sworn application for a Home Solicitation Sale Permit, the Clerk of the Court shall submit the fingerprints to the Department of Law Enforcement. The Clerk of the Court shall also submit to the Nassau County Sheriff's Department a copy of the application and the fingerprints. The Sheriff shall report any criminal justice information to the Clerk within sixty (60) days after receipt of the fingerprints and a copy of the application.

3. The Clerk of the Court may revoke, suspend, or deny the issuance of any Home Solicitation Sale Permit if it is determined that an applicant or permit holder has:

(a) Been convicted of, or entered a plea of guilty or nolo contendere to, a crime against the laws of the State of Florida or any other state or the United States, involving moral turpitude, fraudulent or dishonest dealing, or the illegal use or sale of a

controlled substance, or been convicted of, or entered a plea of guilty or nolo contendere to, a violation of any of the provisions of Florida Statutes, Sections 501.021-501.055.

(b) Has obtained a permit by fraud, false statement, misrepresentation, or failure to truthfully answer any question in the required permit application.

(c) Has failed to obtain required County occupational license.

SECTION FOUR: HOME SOLICITATION SALE; PERMIT REQUIRED

1. It is unlawful for any person to conduct any home solicitation sale, as defined herein, or to supervise excluded minors conducting such sales provided in Paragraph 2(d), in this County without first obtaining a valid Home Solicitation Sale Permit as provided herein.

2. The following are excluded from the operation of this Ordinance:

(a) Solicitors, salesmen, or agents making a call or business visit upon the express invitation, oral or written, of an inhabitant of the premises or his agent.

(b) Telephone solicitors, salesmen, or agents making calls which involve transactions that are unsolicited by the consumer and consummated by telephone and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services.

(c) Solicitors, salesmen, or agents conducting a sale, lease, or rental of consumer goods or services by sample, catalog, or

brochure for future delivery.

(d) Minors, as defined in Florida Statutes, Section 1.01(14), conducting home solicitation sales under the supervision of an adult supervisor who holds a valid home solicitation sale permit. Minors excluded from operation of this Section must, however, carry personal identification which includes their full name, date of birth, residence address, and employer and the name and permit number of their adult supervisor.

(e) Solicitors, salesmen, or agents making calls or soliciting orders on behalf of a religious, charitable, scientific, educational, or veterans' institution or organization holding a sales tax exemption certificate under Florida Statutes, Section 212.08(7)(a).

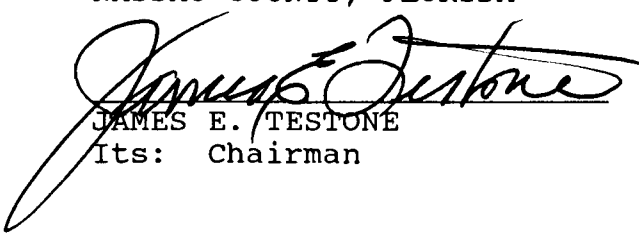
SECTION FIVE: PENALTY

1. A violation of this Ordinance shall be punishable by sixty (60) days in the Nassau County Detention Facility and/or five hundred dollar (\$500.00) fine.

SECTION SIX: EFFECTIVE DATE

This ordinance shall become effective upon its being filed in the office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

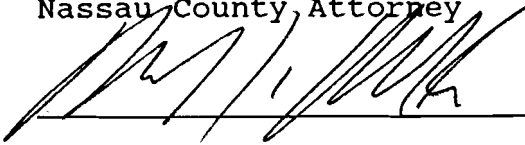

JAMES E. TESTONE
Its: Chairman

ATTEST:



T. J. GREESON
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



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