

ORDINANCE NO. 2012- 33

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, REPEALING, RESTATING AND REPLACING ORDINANCE NO. 91-5, RELATING TO RETAIL GROCERS; CREATING THE ST. JOHNS COUNTY CONVENIENCE STORE SECURITY ORDINANCE; PROVIDING FINDINGS; DEFINING "CONVENIENCE STORE"; REQUIRING CERTAIN RETAIL GROCERY STORES TO BE EQUIPPED WITH SPECIFIED SECURITY DEVICES; REQUIRING CERTAIN LEVELS OF LIGHTING FOR PARKING LOTS; REQUIRING POSTING OF CERTAIN SIGNS; REQUIRING POSTING OF "NO LOITERING" SIGNS; PROHIBITING UNSIGHTLY TRASH AND DEBRIS; PROHIBITING WINDOW TINTING; REQUIRING TRAINING FOR CERTAIN EMPLOYEES; PROVIDING FOR CIVIL FINES; PROVIDING FOR NONCOMPLIANCE FEES; PROVIDING AN EFFECTIVE DATE; AND OTHER RELATED MATTERS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Statutory Authority. The Board of County Commissioners of St. Johns County, Florida hereby finds and determines that the Florida Legislature, through passage of the Convenience Store Security Act in Chapter 90-346 Laws of Florida, directed the Board of County Commissioners of St. Johns County to enact an ordinance containing the provisions set out herein. The Act was codified and exists as general law in Section 812.173, *Florida Statutes* (2012).

Section 2. Definition. As used in this act, the term "convenience store" means any retail establishment offering for sale prepackaged food products, delicatessen, household items, and other convenience goods commonly associated with the same. Convenience stores may include the retail sale of motor fuel where permitted. (As defined by the Land Development Code, Section 12.01.00, page XII-15, as may be amended from time to time).

Section 3. Convenience Store Security. Each convenience store located within the unincorporated area of St. Johns County, Florida shall:

- (1) Be equipped with the following devices:
 - (a) A silent alarm that notifies the Sheriff of St. Johns County or a private security agency that a robbery is taking place.
 - (b) A security camera system capable of recording and retrieving an image to assist in offender identification and apprehension, pursuant to Section 812.173, F.S., as amended from time to time.
 - (c) A drop safe or cash management device that provides minimum access to the facility's cash receipts.
- (2) Have lighted parking lots illuminated at an intensity of 2 foot candles per square foot with a uniformity ratio of no more than 5 to 1 at 18 inches above the surface and meet the design standards of Part 6.09.00 of the Land Development Code.

- (3) Post a conspicuous sign in the convenience store entrance which states that the cash register contains \$50 or less.
- (4) Maintain window signage so that there is a clear and unobstructed view of the cash register and transaction area.
- (5) Prohibit window tinting on the windows of the establishment if such tinting reduces exterior or interior viewing between the hours of 9 p.m. and 6 a.m.
- (6) Install height markers at the entrance of the establishment which display height measurers from the floor.
- (7) Establish a cash management policy to limit the amount of available cash on hand between the hours of 9 p.m. and 6 a.m.
- (8) Post a conspicuous sign near the store entrance which prohibits loitering, i.e. any unreasonable hindrance of pedestrians or vehicles.
- (9) Prohibit unsightly trash and debris on the premises.

Section 4. Training of employees. No later than June 30, 2013, the owner or principal operator of a convenience store located within the unincorporated area of St. Johns County, Florida shall provide proper robbery deterrence and safety training to at least its employees who work between the hours of 9 p.m. and 6 a.m. Any proposed program of training shall be submitted in writing to the Attorney General of the State of Florida.

Section 5. The owner and principal operator of a convenience store shall pay the indicated fees to the Clerk of Courts of St. Johns County, Florida for noncompliance with installing the following security features after execution of this Ordinance as outline in section 6 below:

- (1)(a) "silent alarm"
- (1)(b) "security camera system"
- (1)(b) "drop safe" or "cash management device"
- (2) "lighted parking lots"
- (3) "conspicuous sign"
- (4) "unobstructed window view"
- (5) "non window tints"
- (6) "height markers"
- (7) "cash management policy"
- (8) "loitering"
- (9) "unsightly trash and debris"

Section 6. Fines. The owner and/or principal operator of a convenience store shall pay per offense, a \$1000.00 noncompliance fee to the Clerk of Courts of St. Johns County, Florida for the first violation; \$2500.00 for the second violation; \$5000.00 for the third violation; and for every subsequent violation thereafter a fine of more than \$5000, but not to exceed \$15,000.00.

Section 7. Payment in full of a noncompliance fee by either the owner or principal operator or a combination thereof shall satisfy the payment requirement for the noncompliance event for which the payment was received. If a noncompliance is corrected within 10 days after receipt by the owner, principal operator, or employee of the convenience store of written notice of the noncompliance or uniform citation, the noncompliance fee shall not be assessed. Each 11th day period that a noncompliance continues or re-occurs shall constitute a separate noncompliance.

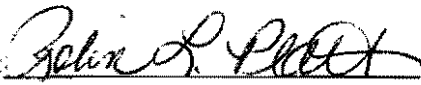
Section 8. Any owner or principal operator of a convenience store who willfully and deliberately violates the requirements of this Ordinance or who deliberately fails to initially implement the requirements hereof, shall be required to pay a fine of up to \$15,000.00, upon complaint filed in the County Court, by the St. Johns County Sheriff's Office or St. Johns County.

Section 9. The Clerk of Court of St. Johns County, Florida shall send a copy of this Ordinance to the Attorney General of the State of Florida within 30 days after its adoption.

Section 10. This Ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Department of State to the clerk of the Board of County Commissioners that same has been filed.

Passed by the Board of County Commissioners of St. Johns County, State of Florida this 6th day of November, 2012.

ATTEST: Cheryl Strickland, Clerk

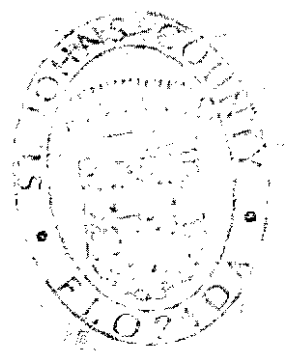
By: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
J. Ken Bryan, Chair

Effective Date: 11/09/12

Rendition Date: 11/7/12



THE ST. AUGUSTINE RECORD

COPY

MINUTES AND RECORDS
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.# L3011-12
P.O.# L3011-12

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **STEVEN SMITH**

who on oath says that he/she is an Employee of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF HEARING**

In the matter of **CONV STORE SECURITY - HEARING NOVEMBER 6, 2012**

was published in said newspaper on **10/27/2012**

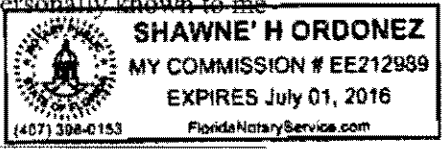
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 27th day of OCT - 2012

by [Signature] who is personally known to me
or who has produced as identification

[Signature]

(Signature of Notary Public)



(Seal)

NOTICE OF A PUBLIC HEARING
BY THE
ST. JOHNS COUNTY BOARD OF
COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, November 6, 2012, at 9:00 a.m. in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS

COUNTY, FLORIDA, REPEALING, RESTATING AND REPLACING ORDINANCE NO. 91-5, RELATING TO RETAIL GROCERS; CREATING THE ST. JOHNS COUNTY CONVENIENCE STORE SECURITY ORDINANCE; PROVIDING FINDINGS; DEFINING "CONVENIENCE STORE"; REQUIRING CERTAIN RETAIL GROCERY STORES TO BE EQUIPPED WITH SPECIFIED SECURITY DEVICES; REQUIRING CERTAIN LEVELS OF LIGHTING FOR PARKING LOTS; REQUIRING POSTING OF CERTAIN SIGNS; REQUIRING POSTING OF SPECIFIED SIGNS; PROHIBITING WINDOW TINTING; REQUIRING TRAINING FOR CERTAIN EMPLOYEES; PROVIDING FOR CIVIL FINES; PROVIDING FOR NONCOMPLIANCE FEES; PROVIDING AN EFFECTIVE DATE; AND OTHER RELATED MATTERS.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770; no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, ITS
CLERK

By: Yvonne King, Deputy Clerk
L3011-12 Oct 27, 2012



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 9, 2012

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 8, 2012 and certified copy of Ordinance No. 2012-33, which was filed in this office on November 9, 2012.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/elr

2012 NOV 15 PM 4: 34
ST. JOHNS COUNTY
FL