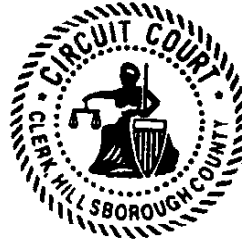


Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



Clerk to Board of
County Commissioners
County Center, 12th Floor
601 E. Kennedy Blvd.
P.O. Box 1110
Tampa, Florida 33601
Telephone 276-8100, ext. 6730

RECEIVED BY

OCT 16 2001

County Attorney's Office

October 15, 2001

Norma J. Wise, Director
Hillsborough County Law Library
501 E. Kennedy Boulevard Ste. 100
Tampa, Florida 33602-5027


Re: Ordinance #01-28
Shopping Cart Ordinance Adoption

Dear Ms. Wise:

Attached please find a copy of Hillsborough County Ordinance #01-28 which was adopted by the Board of County Commissioners on October 3, 2001. We are also forwarding acknowledgment received from the Secretary of State. This ordinance has an effective date of November 3, 2001.

If I can provide additional information or be of further assistance, please do not hesitate to contact me.

Sincerely,


Judith M. Grose,
Manager, BOCC Records

jg

Attachments

cc: Evelyn Jefferson, Municipal Code Corporation
Ellen Leonard, Legal Advisor, Sheriff's Office
Bobbie Chaffee, State Attorney's Office
Barbara Hutcheson, County Attorney's Office
Helene Marks, Legal Counsel, Clerk of Circuit Court
James Jennings, Director, CCC Accounting
Adam Gormly, Assistant County Attorney

FINAL
AJG
10/4/01

ORDINANCE NO: 01-28

AN ORDINANCE OF HILLSBOROUGH COUNTY,
FLORIDA, REQUIRING RETAIL ESTABLISHMENTS
TO DEVELOP AND IMPLEMENT PLANS FOR
RETRIEVING SHOPPING CARTS; REQUIRING
IDENTIFICATION ON SHOPPING CARTS;
REQUIRING POSTING OF SIGNS; PROVIDING FOR
PENALTIES; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners has been presented with evidence of shopping carts being removed from retail establishments and subsequently left on property within unincorporated Hillsborough County; and

WHEREAS, such shopping carts pose hazards to motorists, pedestrians, bicyclists and others within unincorporated Hillsborough County; and

WHEREAS, such shopping carts create impediments to the flow of water in drainage systems and other waterways; and

WHEREAS, such shopping carts create practical difficulties in the maintenance of property; and

WHEREAS, such shopping carts create visual blight; and

WHEREAS, the County desires to remedy the problems created by such shopping carts in unincorporated Hillsborough County by placing the responsibility for such shopping carts on the owners; and

WHEREAS, passage of this ordinance is in the interests of the health, safety and welfare of the citizens of Hillsborough County.

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

SECTION 1. Definition

For the purposes of this ordinance, the term "Shopping Cart" as defined in Section 506.502, Florida Statutes, means a basket mounted on wheels or a similar device which is generally used in a retail establishment by a customer for the purpose of transportation of goods of any kind.

SECTION 2. Retrieval Plan

Each retail establishment furnishing shopping carts to patrons to transport items purchased from the establishment, is hereby required to develop and implement a specific plan to retrieve its shopping carts that are found throughout unincorporated Hillsborough County. Two or more retail establishments may collaborate and submit to the County a single plan.

Plans must be submitted to the County within sixty days of the effective date of this ordinance, and must include an effective and specific method of retrieving the retail establishment's shopping carts found throughout unincorporated Hillsborough County.

SECTION 3. Plan Submission, Amendment and Review

The County shall determine whether a retail establishment's plan for retrieving its shopping carts submitted pursuant to this ordinance is reasonably calculated to result in the prompt removal of the retail establishment's shopping carts found throughout unincorporated Hillsborough County on property other than that of the retail establishment furnishing the shopping carts to patrons.

Based on the above-referenced criteria, the County shall approve, reject or modify a plan, within sixty (60) days of when the plan is submitted.

If a plan is approved, the proposed measures shall be implemented no later than thirty (30) days after approval.

If a plan is rejected, the retail establishment shall modify the plan and resubmit it to the County no later than thirty (30) days after the date of its rejection.

Following the approval of a plan, a retail establishment may file a written request with the County Commission to amend its plan. The proposed amended plan is subject to the same criteria and review process as an original plan.

If a retail establishment's original or amended plan is approved by the County and subsequently, the County Administrator determines that the retail establishment's plan for retrieving its shopping carts found throughout unincorporated Hillsborough County is ineffective, the County Administrator may place on the Board of County Commissioners agenda a hearing for the purpose of modifying the retail establishment's plan. The County Administrator shall provide the retail establishment with at least ten (10) days written notice of such hearing, along with the County Administrator's recommendation. After consideration of the matter and after permitting the retail establishment to be heard, the County Commission may modify or leave the plan unchanged.

SECTION 4. Penalty for Failure to Submit, Modify or Implement Plan

Any retail establishment that fails to timely submit a plan, implement a plan approved by the County, resubmit a rejected plan or make required modifications to a plan, shall be subject to a fine of \$100 per day for each day of non-compliance. Non-payment of such a fine within the

timeframe established for payment shall constitute a violation of this ordinance.

SECTION 5. Identification on Shopping Carts

Within sixty (60) days of the effective date of this ordinance, each retail establishment that utilizes shopping carts in the operation of its business shall affix on each shopping cart, and maintain thereon, information identifying the name, address and phone number of the retail establishment.

SECTION 6. Posting of Sign

Within sixty (60) days of the effective date of this ordinance, each retail sales establishment that utilizes shopping carts in the operation of its business shall post a minimum of two signs not less than one and one half feet by three feet (1 ½' x3') in conspicuous locations on the inside of the retail sales establishment building and not visible from a public street. Such signs shall state the following:

"NOTICE - It is a violation of Section 506.513, Florida Statutes to remove a shopping cart, without written authorization, from its owner or from the premises or parking area of any retail establishment."

SECTION 7. Penalties for Violation

Any violation of this ordinance shall be prosecuted in the same manner as misdemeanors are prosecuted. Each conviction for violation of this ordinance shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty

(60) days or by both such fine and imprisonment.

SECTION 8. Severability

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, phrase, sentence or portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 9. Applicability

This ordinance shall be applicable in the unincorporated area of Hillsborough County.

SECTION 10. Effective Date

The effective date of this ordinance shall be November 3, 2001.

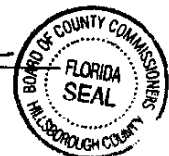
STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Richard Ake, 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 and foregoing is a true and correct copy of an ordinance adopted by the Board at its meeting of October 3, 2001, as the same appears of record in Minute Book 305, of the Public Records of Hillsborough County Florida.

WITNESS my hand and official seal this 8th day of October 2001.

RICHARD AKE, CLERK OF CIRCUIT COURT

By: Mildred K. Dixon
Deputy Clerk



APPROVED BY COUNTY ATTORNEY
AS TO FORM AND LEGAL SUFFICIENCY

By: Adam Henry

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
MEMBER OF THE FLORIDA CABINET



HISTORIC PRESERVATION BOARDS
Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF ELECTIONS

October 9, 2001

Ms. Judith M. Grose
Manager, Records Department
Hillsborough County Board of
County Commissioners
Post Office Box 110
Tampa, Florida 33601

Dear Ms. Grose:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letters dated October 8, 2001 and certified copy of Hillsborough County Ordinance Nos. 01-27 and 01-28, which were filed in this office on October 9, 2001.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/vm