

1 Introduced by Council Member Pittman:  
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4 **ORDINANCE 2026-378**

5 AN ORDINANCE AMENDING SECTIONS 250.101  
6 (DEFINITIONS), 250.109 (PERMIT SUSPENSION AND  
7 REVOCATION), AND 250.111 (PENALTY), PART 1 (IN  
8 GENERAL), CHAPTER 250 (MISCELLANEOUS BUSINESS  
9 REGULATIONS), *ORDINANCE CODE*, TO ADD A  
10 DEFINITION FOR "SPECIAL MAGISTRATE" AND TO  
11 REVISE PROCEDURES FOR REVOCATION AND SUSPENSION  
12 OF PERMITS FOR VIOLATIONS OF CHAPTER 250,  
13 *ORDINANCE CODE*; PROVIDING FOR CODIFICATION  
14 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.  
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16 **Section 1. Amending Sections 250.101 (Definitions),**  
17 **250.109 (Permit suspension and revocation), and 250.111 (Penalty),**  
18 **Part 1 (In General), Chapter 250 (Miscellaneous Business**  
19 **Regulations), *Ordinance Code*.** Sections 250.101 (Definitions), 250.109  
20 (Permit suspension and revocation), and 250.111 (Penalty), Part 1 (In  
21 General), Chapter 250 (Miscellaneous Business Regulations), *Ordinance*  
22 *Code*, are hereby amended to read as follows:  
23

24 **CHAPTER 250 - MISCELLANEOUS BUSINESS REGULATIONS**

25 **PART 1. - IN GENERAL**

26 **Sec. 250.101. - Definitions.**

27 \* \* \*

28 (m) *Special Magistrate* means the Special Magistrate appointed by  
29 the Mayor, or her designee, pursuant to the authority granted  
30 in Section 91.104(d) of this Code and Chapter 162, *Florida*  
31 *Statutes*.

(n) ~~(m)~~ *Street vendor* means a person engaged in the activities

1 defined in Part 6.

2 (o) ~~(n)~~ *Transient merchant* means a person who sells or offers for  
3 sale merchandise at any place in the City temporarily and  
4 who does not intend to become and does not become a permanent  
5 merchant at such place and who, for the purpose of carrying  
6 on such business, hires, leases or occupies, either in whole  
7 or in part, a business location for the exhibition and sale  
8 of merchandise. The activities of a transient merchant take  
9 place on private property.

10 \* \* \*

11 **Sec. 250.109. - Permit suspension and revocation.**

12 (a) *Grounds.* In addition to any other penalty, the Special  
13 Magistrate, after a duly noticed hearing, Director or  
14 Downtown Development Authority may suspend or revoke a permit  
15 for:

16 (1) Violation of a provision of this Chapter or any  
17 provision of the Code relating to deceptive trade  
18 practices, or public health.

19 (2) Conviction or a finding of violation in a separate  
20 judicial proceeding for:

21 (i) Fraud or misrepresentation of the sale of  
22 merchandise;

23 (ii) A deceptive trade practice; or

24 (iii) Sale of food, drink or drugs in violation of the  
25 health code or any similar State or federal law.

26 (3) The Special Magistrate is not required to make a  
27 determination regarding the ~~The~~ giving of false or  
28 misleading information on the application or in  
29 connection with the investigation of the application.

30 (4) The violation of a provision of this Chapter or of a  
31 rule made pursuant to this Chapter and applicable to the



1 It shall be unlawful for any person to violate any provision  
2 of this Chapter. ~~Where no other penalty is provided, Violation~~  
3 ~~violation~~ of any provision of this Chapter shall be punishable as  
4 for a class C offense and, upon a finding of violation of this  
5 Chapter conviction for a second offense within a one-year period,  
6 the permit issued pursuant to this Chapter shall be suspended for  
7 one week by the Special Magistrate, after a duly noticed hearing  
8 ~~Director or Downtown Development Authority~~. Upon a finding of  
9 violation of this Chapter conviction for a third offense during a  
10 one-year period, the permit shall be revoked for one year. ~~Conviction~~  
11 ~~shall include a plea of nolo contendere or a withhold of adjudication~~  
12 ~~of guilty~~. Additionally, the ~~Chief of Consumer Affairs~~ Manager, or  
13 his or her designee, is authorized to immediately seize or otherwise  
14 take control over any goods or materials being sold or offered for  
15 sale in violation of this Chapter.

16 \* \* \*

17 **Section 2. Codification Instructions.** The Codifier and the  
18 Office of General Counsel are authorized to make all chapters and  
19 division "table of contents" consistent with the changes set forth  
20 herein. Such editorial changes and any other necessary changes to  
21 make the Ordinance Code consistent with the intent of this legislation  
22 are approved and directed herein, and the changes to the *Ordinance*  
23 *Code* shall be made forthwith and when inconsistencies are discovered.

24 **Section 3. Effective Date.** This Ordinance shall become  
25 effective upon signature by the Mayor or upon becoming effective  
26 without the Mayor's signature.

1 Form Approved:

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3 /s/ Cherry S. Pollock

4 Office of General Counsel

5 Legislation prepared by:

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