

FEB 22 1994 *JFW*

Effective March 7, 1994

ORDINANCE NO. 94-06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, ORANGE COUNTY, FLORIDA, TO BE ENTITLED THE "ORANGE COUNTY COMBAT AUTOMOBILE THEFT (C.A.T.) PROGRAM"; PROVIDING FOR DEFINITIONS; PROVIDING FOR RULES, REGULATIONS AND PROCEDURES; PROVIDING AUTHORIZATION FOR LAW ENFORCEMENT OFFICERS TO STOP MOTOR VEHICLES DISPLAYING A C.A.T. DECAL; PROVIDING FOR EXCEPTIONS TO CIVIL LIABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR RENUMBERING; AND PROVIDING FOR A SCOPE OF EFFECT AND EFFECTIVE DATE.

WHEREAS, pursuant to Section 316.008(6), Florida Statutes (1993), and its home rule power, Orange County, Florida, has the power to enact regulations pertaining to creation of a "Combat Automobile Theft (C.A.T.) Program"; and

WHEREAS, the Board of County Commissioners believes that it is in the best interest of the citizens of Orange County to safeguard against the commission of motor vehicle theft.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

SECTION 1. Section \_\_\_\_\_, Orange County Code is hereby created to read as follows:

Sec. \_\_\_\_\_. Orange County Combat  
Automobile Theft (C.A.T.)  
Program.

(A) Definitions.

1. *Motor Vehicle* means any self-propelled vehicle not operated upon rails or guideway, but not including any bicycle or moped.

2. *Registered Owner* means the legally recorded holder(s) of a motor vehicle, whose name(s) appears on the motor vehicle's registration certificate.

3. *Titled Owner* means the legally recorded holder(s) of the motor vehicle's title, whose name(s) appears on the motor vehicle's title.

4. *Decal* means an adhesive emblem approved by the Florida Department of Law Enforcement in accordance with the provisions of Section 316.008(6), Florida Statutes (1993), for the purpose of posting in the bottom left corner of the back window of a motor vehicle to indicate owner consent for a traffic stop in accordance with the requirements of the Orange County C.A.T. Program.

5. *Consent Form* means a legally binding form designed by the Orange County Sheriff's Office in accordance with Section 316.008(6), Florida Statutes (1993), signed by the registered and/or titled owner of the motor vehicle enrolled in the Orange County C.A.T. Program. Once signed, the Consent Form will be kept on file with the appropriate law enforcement agency and serve as written authorization to stop the motor vehicle designated on the form between the hours of 1:00 a.m. and 5:00 a.m.

6. *Administrative Fees* means the actual cost, if any, to the Orange County Sheriff's Office, or any law enforcement agency whose jurisdiction falls within the boundaries of Orange County, Florida, incurred through the printing of Decals and Consent Forms for the Orange County C.A.T. Program.

(B) Rules, Regulations and Procedures. The Board of County Commissioners delegates the power of enacting rules, regulations and procedures to the Orange County Sheriff for the purpose of establishing rules, regulations and procedures for the Orange County C.A.T. Program. All persons wishing to enroll a motor vehicle or motor vehicles in the Orange County C.A.T. Program shall comply with such rules, regulations and procedures to be prepared and promulgated by the Orange County Sheriff pursuant to Section 316.008(6), Florida Statutes (1993).

The initial and current Orange County Sheriff's Regulations for participation in the Orange County C.A.T. Program are attached hereto as Exhibit "A" and incorporated herein by this reference.

(C) Authorization to Stop Vehicle. A Consent Form signed by a motor vehicle owner provides authorization for a law enforcement officer to stop the motor vehicle when it is being driven between the hours of 1:00 a.m. and 5:00 a.m., provided that a C.A.T. Decal is conspicuously affixed to the bottom left corner of the back window of the motor vehicle.

(D) Exception to Civil Liability. Orange County, the Orange County Sheriff, their officers and employees, and any law enforcement officer acting under the color of this Ordinance will incur no civil liability arising from the action of stopping a motor vehicle bearing a decal evidencing enrollment in the Orange County C.A.T. Program, provided that the stop is made in accordance with the requirements of the Orange County C.A.T. Program as authorized by Section 316.008(6), Florida Statutes (1993).

SECTION 2. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 3. RENUMBERING. The provisions of this Ordinance shall be included and incorporated in the Code of Laws of Orange County, Florida, as an addition or amendment

thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 4.    EFFECTIVE DATE.    A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board of County Commissioners and shall take effect pursuant to general law.

EXHIBIT "A"

Orange County Sheriff's  
Rules, Regulations and Procedures  
for Participation in the  
Orange County C.A.T. Program

1. Each registrant for participation in the Orange County C.A.T. Program shall complete and submit a Consent Form for each motor vehicle to be enrolled in the program to the Orange County Sheriff's Office or to their local law enforcement agency, if that agency is participating in the Orange County C.A.T. Program.
2. At the time of submission of the Consent Form, each registrant shall provide proof of ownership of each motor vehicle to be enrolled in the Orange County C.A.T. Program by presenting either a Certified Title or Registration Certificate.
3. At the time of submission of Consent Form, each registrant shall provide the law enforcement agency with personal identification whether in the form of a State of Florida Driver's License, State of Florida Identification Card, or some other form of government issued identification that contains a picture of the identified holder.
4. At the time of enrollment, the C.A.T. Decal must be conspicuously affixed to the bottom left corner of the back window of the motor vehicle.
5. Upon selling or otherwise transferring ownership of the motor vehicle, the registered or titled owner(s) shall remove the C.A.T. Decal.
6. Upon terminating participation in the Orange County C.A.T. Program, the registered or titled owner(s) shall remove the C.A.T. Decal.
7. Before selling, transferring ownership of the vehicle or upon terminating participation in the Orange County C.A.T. Program, the registered or titled owner(s) shall also notify the issuing law enforcement agency in writing.