

CHG  
DEC

ORDINANCE  
NUMBER 2025-005

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-5, ARTICLE VI, SECTIONS 2-5-141, 2-5-142, 2-5-145, AND 2-5-146 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA GOVERNING SECURITY ALARM SYSTEMS; AMENDING AND ADDING DEFINITIONS OF ALARMS, INCLUDING ALARM REVIEW AUTHORITY; AMENDING REGISTRATION OF SECURITY ALARM SYSTEMS, INCLUDING FEES; AMENDING PENALTIES; AMENDING RIGHT TO CONTEST BY OMITTING COURT REVIEW AND ALLOWING FOR APPEAL AUTHORITY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ROGER D. EATON, CHARLOTTE COUNTY CLERK OF CIRCUIT COURT  
# PAGE: 13  
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RECITALS

WHEREAS, the Charlotte County Board of County Commissioners ("Board"), by Ordinance No. 98-059, enacted Chapter 2-5, Article VI of the Code of Laws and Ordinances of Charlotte County, Florida ("Charlotte County Code"), regulating privately owned security alarm systems for the purpose of reducing the substantial misuse of manpower and resources of the Office of the Sheriff of Charlotte County, which must respond to numerous false alarm notifications; and

WHEREAS, the Board, by Ordinance No. 2002-034, amended Chapter 2-5, Article VI, of the Charlotte County Code; and

WHEREAS, the Board, by Ordinance No. 2004-051, amended Chapter 2-5, Article VI; of the Charlotte County Code; and

WHEREAS, the Board, by Ordinance No. 2017-045, amended Chapter 2-5, Article VI, of the Charlotte County Code; and

MMW

33 WHEREAS, the administration of the security alarm system code by the Office of  
34 the Sheriff of Charlotte County has been effective in reducing the number of false  
35 alarms in Charlotte County; and

36 WHEREAS, implementation of the registration process and its amendments has  
37 revealed over time that additional amendments to the Article's definitions, registration,  
38 warning procedures, penalties, fees and methods of payment are warranted; and

39 WHEREAS, this Ordinance is not intended to amend, repeal or otherwise  
40 interfere with Chapter 2, Article II of the Charlotte County Code relating to Fire Alarm  
41 Systems; and

42 WHEREAS, the promotion of the purposes of the law without unduly burdening  
43 alarm users requires the ordinance be amended.

44 NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners  
45 of Charlotte County, Florida:

46 Section 1. Charlotte County Code Chapter 2-5, Article VI, § 2-5-141, is hereby  
47 amended by adding the underlined language and by ~~deleting the stricken language~~ to  
48 provide as follows:

49 **Sec. 2-5-141. Definitions.**

50 When used in this article, the following words and terms shall have the meanings  
51 ascribed thereto:

52 *Alarm coordinator* means the person designated by the Office of the Sheriff to  
53 administer, control and review false alarm reduction efforts and administer the  
54 provisions of this article.

55            *Alarm installation company* means a person or entity whose business includes  
56 the selling, providing, maintaining, servicing, repairing, altering, replacing, moving or  
57 installing security alarm systems.

58            *Alarm monitoring company* means a person or entity whose business includes  
59 receiving signals from security alarm systems for the purpose of relaying related  
60 information to third parties, including law enforcement, for the purpose of initiating a  
61 response. Devices or systems installed by, or installed at the direction of, an alarm user  
62 and which transmit signals to an alarm monitoring company shall be subject to the  
63 provisions of this section.

64            *Alarm registration* means the registration issued by the alarm coordinator for the  
65 security alarm system at an alarm site.

66            *Alarm site* means the individual location of each alarm system, and may include  
67 a contiguous parcel or contiguous premises of an alarm user.

68            *Alarm user/operator* means the person or entity that registers uses or is in control  
69 of an the alarm system, including but not limited to an owner, tenant, or any person or  
70 entity deriving its possession or ownership of the alarm site through, under or by the  
71 owner or tenant. An alarm user includes any person that installs, or directs the  
72 installation of, an security alarm system for his or her own use. Any federal, state,  
73 county, municipal, school district, or other governmental unit shall not be considered an  
74 alarm user for purposes of this article.

75            *Alarm Review Authority* shall mean the Sheriff or his designee(s).

76            *Bar code* means the unique identification number assigned to a security alarm  
77 system or location served by a security alarm system.

78            *False alarm* means activation of an security alarm system, for a reason other  
79 than an actual unauthorized entry or exit or other illegal activity, which results in a law  
80 enforcement officer response to that alarm site. Included in this definition are alarms  
81 caused by negligence, those intentionally caused in non-emergency situations, and  
82 those responded to by the law enforcement officer when the law enforcement officer  
83 finds no evidence of a criminal offense or attempted criminal offense.

84            *Fire alarm systems* is defined in Chapter 2, Article II of this Code.

85            *Responder* means the owner, manager or individual (eighteen (18) years of age  
86 or older) designated by the alarm user on the alarm registration application as capable  
87 of responding to the alarm site within thirty (30) minutes after request, and authorized  
88 and able to enter the alarm site and deactivate or reset the security alarm system.

89            *Security Alarm system* means any device or system installed by an alarm user  
90 that emits, transmits, or relays a signal intended to summon, or that would reasonably  
91 be expected to summon, law enforcement services to the site of the alarm system. An  
92 alarm system may also be, which is designed to be used for the detection of  
93 unauthorized entry or exit or other illegal activity in a building, structure, or facility, that  
94 emits, transmits or relays a remote or local signal intended to summon, or that would  
95 reasonably be expected to summon, the services of a law enforcement officer. Excluded  
96 from this definition are (1) public utility alarms used to warn of equipment failure, such  
97 as those used at lift stations, and electric and telephone relay stations, (2) alarms  
98 installed in motor vehicles, boats, and aircraft, unless the vehicle, boat or aircraft is  
99 permanently located at the site or meant to be the primary alarm system for that site,  
100 and (3) portable personal safety alarms, (4) fire alarm systems as defined herein and

101 regulated pursuant to Chapter 2, Article II of this Code, or (5) a device designed for a  
102 purpose other than to alert for intrusion, burglary, or robbery. Fire alarm systems are  
103 exempt from the provisions of this Article.

104 Sheriff means the Sheriff of Charlotte County or his designee(s).

105 Sheriff's Office means the designated authority charged with administration and  
106 enforcement of the Charlotte County False Alarm Ordinance.

107 Section 2. Charlotte County Code Chapter 2-5, Article VI, § 2-5-142, is hereby  
108 amended by adding the underlined language and by ~~deleting the stricken~~ language to  
109 provide as follows:

110 **Sec. 2-5-142. Registration of security alarm systems.**

111 (a) *Registration required.* All ~~security~~ alarm systems must be registered, and no  
112 ~~security~~ alarm system may be operated unless it is identified in a current  
113 alarm registration. Each ~~security~~ alarm system located at an alarm site must  
114 be registered individually. Bar codes shall be assigned to each ~~security~~ alarm  
115 system. Where more than one (1) structure is served by a single ~~security~~  
116 alarm system, each structure may be assigned a bar code. A new registration  
117 is required upon transfer of any alarm site by operation of law or upon change  
118 of any alarm user, including but not limited to transfer upon order of a court of  
119 competent jurisdiction.

120 (b) *Applications.* Applications for an security alarm system registration shall be  
121 made on the forms provided by the alarm coordinator. Completed applications  
122 must be submitted to the alarm coordinator within ten (10) days after the  
123 security alarm system is first placed in service. Applications for registration of

124 security alarm systems in use prior to November 1, 2002, the effective date of  
125 this article, shall be made no later than December 31, 2002. No permit shall  
126 be required for a deactivated alarm system.

127 (c) *Annual registration period.* ~~Security a~~Alarm system registrations shall expire  
128 ~~one~~ twelve (12) year months from the date of issuance. The alarm coordinator  
129 shall notify each registered alarm user of the need to renew thirty (30) days  
130 prior to the expiration of the registration period.

131 (d) *Fees.* Fees must be paid in a form acceptable to the Office of the Sheriff.

132 Initial registration .....\$25.00

133 Renewals .....~~\$10~~25.00\*

134 \*Renewal fees will be waived if there have been no false alarms at the  
135 alarm site during the preceding registration period.

136 A late fee of five dollars (\$5.00) per month, or portion thereof, shall be assessed,  
137 up to a maximum of ~~twenty-five~~ fifty dollars (~~\$50~~25.00), if the renewal application is  
138 received more than thirty (30) days after the expiration of the prior registration period. In  
139 addition to the above-described fees, checks returned for insufficient funds shall result  
140 in the imposition of an "NSF fee" and which shall be paid before any initial registration  
141 or renewal may be processed by the alarm coordinator.

142 All fees are non-refundable, and all registrations are non-transferable.

143 Fees are payable in a form acceptable to the sheriff's office and shall be used to  
144 defray the cost associated with the registration of security alarm systems, the false  
145 alarm prevention program and the tracking of violations.

- 146 (e) Rental Units. The owner or manager of any residential or commercial  
147 premises that are rented to others, and which have alarm systems provided  
148 by the owner or manager shall:
- 149 (1) Explain the operation of the alarm system to the alarm user; and
  - 150 (2) Explain the alarm user's financial responsibilities for false alarms; and
  - 151 (3) Obtain the alarm user's signature on a form in which the alarm user  
152 acknowledges having received and understood the information in (1) and  
153 (2) above; and
  - 154 (4) Furnish the name of the alarm user and the dates of the rental to the  
155 Sheriff's alarm coordinator. If a new alarm application is required, the  
156 alarm coordinator shall furnish a new application to the alarm user or the  
157 owner or manager of the premises.
- 158 (f) Automatic dialing devices prohibited. The alarm user shall not operate an  
159 alarm system equipped with an automatic dialing device programmed to  
160 connect directly to the Sheriff, or a fine of \$125.00 may be assessed for each  
161 automatic dialing incident.
- 162 (g) No public duty. The permitting of an alarm system is not intended to, nor will it  
163 create a contract, duty, or obligation, either expressed or implied, of  
164 response. Any and all liability and consequential damage resulting from the  
165 failure to respond to a notification is hereby disclaimed and governmental  
166 immunity as provided by law is retained. By registering the alarm system, the  
167 alarm user acknowledges that law enforcement response may be based on

168 factors such as: availability of law enforcement units, priority calls, weather  
169 conditions, traffic conditions, emergency conditions, and staffing levels.

170 Section 3. Charlotte County Code Chapter 2-5, Article VI, § 2-5-145, is hereby  
171 amended by adding the underlined language and by ~~deleting the stricken language~~ to  
172 provide as follows:

173 **Sec. 2-5-145. Penalties.**

174 (a) If a law enforcement officer responds to a false alarm, the alarm user shall be  
175 assessed a fine or given a warning as provided in this section.

176 (b) Violations of any provision of this article, including a response to a false alarm,  
177 shall be subject to the following penalties:

178 First or second violation ..... ~~Warning \$25.00 each; however, if~~  
179 the alarm user has a valid alarm registration, then there is no fine  
180 for the first violation.

181 ~~Second violation ..... Warning~~

182 Third and fourth violations ..... \$4550.00 each fine

183 ~~Fourth~~ Fifth and sixth violations ..... \$70100.00 each  
184 fine

185 ~~Fifth~~ Seventh and eighth violation ..... \$95200.00 each fine

186 ~~Sixth~~ Ninth and subsequent violations ..... \$400.00 each

187 ~~Notice to appear and a fine of \$100.00 to \$500.00 and/or~~  
188 ~~imprisonment in the county jail not to exceed 60 days.~~

189 An administrative fee of ten dollars (\$10.00) is hereby authorized and is included  
190 within the above-described fines.

191 (c) Warnings and fines are determined by the number of violations assigned to the  
192 bar code. Violations are cumulative, that is, the violator shall pay the next highest  
193 fine for the next violation at that bar code without regard to the time that has  
194 elapsed since the previous violation, except that:

195 (1) If ~~one~~ twelve (12) ~~year~~ months passes without a violation at the alarm site  
196 of that bar code, a "clean slate" status shall be granted to the alarm site of  
197 that bar code and the next violation shall be considered a first violation, or

198 (2) If a new ~~security~~ alarm system is installed at the alarm site, upon  
199 notification to the alarm coordinator by an alarm system installation  
200 company or alarm monitoring company and the payment of all unpaid  
201 penalties and registration fees (including late fees), the ~~security~~ alarm  
202 system shall be considered a new system with no prior violations.

203 (d) A false alarm violation may be waived by the alarm coordinator in the event the  
204 false alarm resulted from any of the following. The burden of showing that a false  
205 alarm was due to one (1) of the following shall rest on the alarm user.

206 (1) Electrical storms, hurricanes, tornadoes and acts of God, where there is  
207 clear evidence of physical damage to the ~~security~~ alarm system;

208 (2) Disruption of the telephone circuits beyond the control of the alarm user,  
209 responder, alarm installation company or alarm monitoring company;

210 (3) Electrical power disruption or failure in excess of two (2) hours;

211 (4) Alarms caused by the failure of the equipment of the alarm monitoring  
212 company provided written verification is provided by the alarm monitoring  
213 company;

214 (5) Malicious causes beyond the control of the alarm user or responder.

215 (6) Information acceptable to the alarm coordinator provided no later than  
216 thirty (30) days after the false alarm.

217 (e) The alarm coordinator may grant, in lieu of a fine as described in section 2-5-  
218 145(b), a ~~third~~ second warning during the registration period to alarm users upon  
219 successful completion of an educational program for the prevention of false  
220 alarms. Warnings or citations issued under this section do not abate the renewal  
221 fee due pursuant to section 2-5-142(d).

222 (f) Each violation of this article shall constitute a separate offense. In addition to the  
223 fines ~~and criminal sanctions~~ contained herein, violators may be subject to other  
224 legal action, including emergency injunctive action, to enforce the provisions of  
225 this article.

226 (g) The Sheriff shall be responsible for the administration and enforcement of this  
227 Ordinance. The Sheriff has the authority to compromise assessments of fines.  
228 The Sheriff may use any legal means to collect unpaid fees or violation fines.  
229 ~~The Clerk of the Circuit Court shall collect the fines established in this section~~  
230 ~~and shall remit the same to the Charlotte County Sheriff's Office monthly, less~~  
231 ~~five (5) percent, which is to be retained as fee income of the office of the Clerk of~~  
232 ~~the Circuit Court.~~

233 Section 4. Charlotte County Code Chapter 2-5, Article VI, § 2-5-146, is hereby  
234 amended by adding the underlined language and by ~~deleting the stricken language~~ to  
235 provide as follows:

236 **Sec. 2-5-146. Right to contest.**

237 (a) A person or entity found in violation of this article may appeal a fine under this  
238 Ordinance. The alarm user shall notify the Sheriff in writing within ten (10)  
239 calendar days of receipt of the notice of fine or revocation. Proper notification of  
240 the Sheriff shall stay the imposition of a fine until adjudication by the Alarm  
241 Review Authority. ~~contest a citation and request a hearing before the county~~  
242 ~~court. Requests for hearing shall be made in writing or by telephone to the clerk~~  
243 ~~of the circuit court within thirty (30) days of the citation. Persons contesting the~~  
244 ~~citation may, upon a finding of violation, be subject to a fine up to the maximum~~  
245 ~~civil penalty of five hundred dollars (\$500.00), plus court costs.~~

246 (b) The Alarm Review Authority shall conduct a hearing and consider evidence  
247 presented by the alarm user and by other interested persons. The Alarm Review  
248 Authority shall make a decision based on the preponderance of evidence  
249 standard and shall not raise the fine amount higher than the already issued fine.  
250 The decision of the Alarm Review Authority is the final administrative remedy to  
251 Charlotte County.

252 ~~Upon notification by the sheriff's office to do so, the clerk of the circuit court is~~  
253 ~~authorized to dismiss any action on a citation issued pursuant to this article.~~

254 Section 5. Codification and Scrivener's Errors. It is the intention of the Board  
255 and it is hereby ordained that the provisions of this Ordinance shall become and be  
256 made a part of the Code and Laws and Ordinances of Charlotte County, Florida, and  
257 the sections of this Ordinance may be renumbered or re-lettered to accomplish such  
258 intentions. The Ordinance may be renumbered or re-lettered, and typographical errors  
259 and clarification of ambiguous wording that do not affect the intent can be corrected with

260 the authorization of the County Administrator and the County Attorney, or his/her  
261 designee. In the event this Ordinance conflicts with any provisions of the Charlotte  
262 County Code, the provisions of this Ordinance shall control to the extent of any such  
263 conflict.

264 Section 6. Conflicts of Law. Whenever the requirements or provisions of this  
265 Ordinance are in conflict with the requirements or provisions of any other lawfully  
266 adopted ordinance or statute, the most restrictive requirements shall apply.

267 Section 7. Severability. If any subsection, sentence, clause, phrase, or portion  
268 of this Ordinance is for any reason held invalid or unconstitutional by any court of  
269 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
270 independent provision, and such holding shall not affect the validity of the remainder of  
271 this Ordinance.

272 Section 8. Effective Date. A certified copy of this Ordinance shall be filed with  
273 the Department of State of the State of Florida within 10 days of enactment and shall  
274 take effect upon filing with said department.

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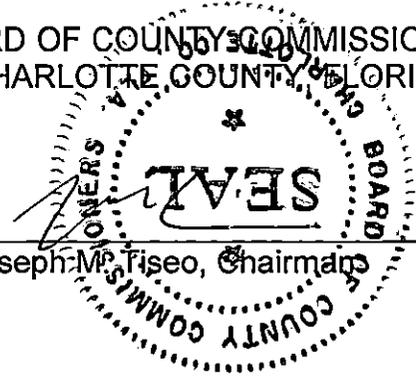
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PASSED AND DULY ADOPTED this 25<sup>th</sup> day of March, 2025.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: Joseph M. Tiseo, Chairman



ATTEST:  
Roger D. Eaton, Clerk of the Circuit Court  
And Ex-Officio Clerk of the Board  
of County Commissioners.

By: Kimberly Eaton  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney  
LR24-0899



## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

March 27, 2025

Roger D. Eaton  
Clerk of the Circuit Court  
Charlotte County  
18500 Murdock Circle, Room 416  
Port Charlotte, Florida 33948

Dear Roger Eaton,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Charlotte County Ordinance No. 2025-005, which was filed in this office on March 27, 2025.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL/dp



**PUBLISHER'S AFFIDAVIT OF PUBLICATION STATE OF FLORIDA COUNTY OF CHARLOTTE:**

Before the undersigned authority personally appeared Jill Kelli Di Benedetto, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

03/14/25

as well as being posted online at [www.yoursun.com](http://www.yoursun.com) and [www.floridapublicnotices.com](http://www.floridapublicnotices.com).

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

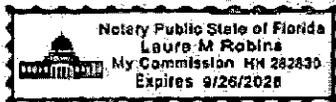
*Jill Kelli Di Benedetto*

(Signature of Affiant)

Sworn and subscribed before me this 14th day of March, 2025

*Laura M Robins*

(Signature of Notary Public)



Personally known  X  OR   Produced Identification

The Board of County Commissioners of Charlotte County proposes to adopt the following ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, AMENDING CHAPTER 2-5, ARTICLE VI, SECTIONS 2-5-141, 2-5-142, 2-5-145, AND 2-5-146 OF THE CODE OF LAWS AND ORDINANCES OF CHARLOTTE COUNTY, FLORIDA GOVERNING SECURITY ALARM SYSTEMS; AMENDING AND ADDING DEFINITIONS OF ALARMS, INCLUDING ALARM REVIEW AUTHORITY; AMENDING REGISTRATION OF SECURITY ALARM SYSTEMS, INCLUDING FEES; AMENDING PENALTIES; AMENDING RIGHT TO CONTEST BY OMITTING COURT REVIEW AND ALLOWING FOR APPEAL AUTHORITY; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS OF LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing on this ordinance will be held at 10:00 AM, or as soon thereafter as it may be heard, on the 25th day of March, 2025, in Room 119 of the Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, Florida.

Copies of the proposed ordinance and the economic impact estimate, if applicable, are available for inspection by the general public in the Charlotte County Attorney's Office, 18500 Murdock Circle, Port Charlotte, Florida.

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

Should any agency or person decide to appeal any decision made by the Board with respect to any matter considered at such meeting, he will need a record of the proceeding, and for such purpose, he 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.

BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA

Charlotte County Board of County Commissioners does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the County's functions, including access to and participation in

meetings, programs and activities. FM Sound Enhancement Units for the Hearing Impaired are available at the Front Security Desk, Building A of the Murdock Administration Complex. Anyone needing other reasonable accommodation or auxiliary aids and services please contact our office at 941.743.1381, TDD/TTY 941.743.1234, or by email to [David.Lyles@CharlotteCountyFL.gov](mailto:David.Lyles@CharlotteCountyFL.gov).  
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