

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES REGARDING PEDDLERS, SOLICITORS, PANHANDLERS, AND ITINERANT MERCHANTS.

WHEREAS, Chapter 122 of the City Code regulates peddlers, solicitors, panhandlers, and itinerant merchants within the City; and

WHEREAS, the current composition of the United States Supreme Court has determined that the First Amendment right to free speech is to be more broadly interpreted and applied than past Courts; and

WHEREAS, the City Commission desires to repeal Sections 122.27, 122.31, and 122.54 of the City Code to comply with the standards set forth by the Court.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Chapter 122 of the Code of Ordinances is hereby amended to read as follows<sup>1</sup>:

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TITLE XI: BUSINESS REGULATIONS

CHAPTER 112: PEDDLERS, SOLICITORS, PANHANDLERS, AND ITINERANT MERCHANTS.

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~~§ 122.27 PERMIT REQUIRED; APPLICATION: RESERVED.~~

~~(A) It shall be unlawful for any person to solicit donations for charitable purposes within the city without first having obtained a permit therefor; however, the provisions of this subchapter shall not apply to any solicitation conducted solely among members of charitable organizations by other members thereof. ('72 Code, § 16-17)~~

<sup>1</sup> Words that are underlined are additions to existing text; ~~struck-through~~ words are deletions from existing text; shaded text reflects changes between first and second readings.

~~(B) — Application for a charitable solicitation permit, whether made initially or for renewal, shall be made to the Director of Licensing upon the appropriate forms provided therefor. Such application shall be affirmed under oath and filed with the Director of Licensing and shall contain the following information:~~

~~(1) — The full name, mailing address and telephone number of the person or organization sponsoring, promoting or conducting the proposed solicitation including, if applicable, the name and address of national or parent organization.~~

~~(2) — The full name, mailing address and telephone number of the individual person or persons who will have supervision of or responsibility for the proposed solicitation.~~

~~(3) — The full name, address and telephone number of the individual person or persons who will be engaged in the act of soliciting for the charitable activity or cause. If paid professional solicitors will be used, their names and verification of state registration shall be required to be given.~~

~~(4) — The purpose for which the solicitation is to be made and/or intended use of donations.~~

~~(5) — A description of the proposed activities, including the method or methods to be used in conducting the solicitation (i.e., face-to-face, telephone, house-to-house, or the like), the location where the solicitation will be conducted, any items to be distributed and the type of donation to be solicited.~~

~~(6) — The dates when the proposed solicitation will begin and end.~~

~~(7) — A statement that the organization and/or any person involved in the solicitation has not been convicted of a crime involving fraud within the two years preceding the filing of the application.~~

~~(8) — A statement to the effect that the granting of a permit will not be used or represented in any way as an endorsement by the city or by any department or officer thereof.~~

~~(9) — If applicable under F.S. Chapter 496, certificate of registration number and state tax exemption number.~~

~~(10) — A statement delineating the percentage of solicited funds to be used toward the expenses of the solicitation and the percentage to be donated to charity.~~

~~§ 122.31 SOLICITATION REGULATIONS AND PROHIBITIONS. RESERVED.~~

~~In conducting solicitations, individual solicitors shall be charged with the responsibility of obeying the following restrictions on behavior:~~

~~(A) While engaged in soliciting, each solicitor must carry and display an identification card issued by the Director of Licensing, which shall contain the name, address and telephone number of the solicitor as well as the name of the person or organization for whose benefit or on whose behalf the solicitor is acting.~~

~~(B) No solicitor shall in any way unlawfully obstruct, delay or interfere with the free movements of any person against that person's will or seek to coerce, or physically disturb any other person.~~

~~(C) No solicitor shall in any way unlawfully obstruct, delay or interfere with vehicular traffic within the city.~~

~~(D) No solicitor shall solicit door-to-door at any residence between the hours of 9:00 p.m. and 8:00 a.m.~~

~~(E) Solicitors shall solicit only during the conditions permitted.~~

~~(F) Solicitors shall not solicit at nor enter upon any premises within the city where a "No Solicitation" sign is posted in accordance with the provisions of this subchapter, unless otherwise invited onto the premises for that purpose.~~

~~§ 122.54 RIGHT OF WAY PANHANDLING PROHIBITED. RESERVED.~~

~~It shall be unlawful for any person to act as a right-of-way panhandler or solicitor on a prohibited roadway or within 200 feet from the lateral curb or boundary line of an intersection located on the prohibited roadways identified in this section.~~

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Section 3: That it is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the provisions of this Ordinance may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

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Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised on \_\_\_\_\_, 2023.

PASSED on first reading this \_\_\_\_ day of \_\_\_\_\_, 2023.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

APPROVED AS TO FORM:

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DOUGLAS R. GONZALES  
CITY ATTORNEY