

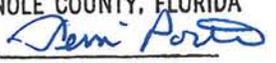
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, CREATING A NEW CHAPTER 232 OF THE SEMINOLE COUNTY CODE TO BE ENTITLED PANHANDLING, BEGGING AND RELATED ACTIVITIES; TO PROHIBIT PANHANDLING IN CERTAIN AREAS OF UNINCORPORATED COUNTY; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR: BEGGING, PANHANDLING OR SOLICITING ON PUBLIC PROPERTY, SIDEWALKS AND STREETS PROHIBITED; PANHANDLING IN CERTAIN DESIGNATED PLACES PROHIBITED; BEGGING, PANHANDLING OR SOLICITING IN PRIVATE BUILDINGS AND PRIVATE PROPERTY PROHIBITED; PROVIDING PENALTIES AND REMEDIES FOR VIOLATION; PROVIDING FOR CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County desires to deal comprehensively with begging, panhandling and soliciting in accordance with current legal constraints in order to promote economic development and to address public health, safety and welfare concerns; and

WHEREAS, based on the legislative findings set forth in Section 232.1 of the new Ordinance, the Board of County Commissioners finds that passage of this Ordinance will further the interest of the health, safety, and general welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Seminole County, Florida, as follows:

Section 1. Amendment of the Seminole County Code to create a new Chapter 232. Chapter 232, Panhandling, Begging and Related Activities, of the Seminole County Code is created to read as follows:

CERTIFIED COPY
MARYANNE MORSE
Clerk of Circuit Court and Comptroller
SEMINOLE COUNTY, FLORIDA
BY 
DEPUTY CLERK

Chapter 232

PANHANDLING, BEGGING AND RELATED ACTIVITIES

Sec. 232.1. Legislative Findings/Intent.

(a) The Board of County Commissioners hereby finds that any person who panhandles or otherwise demands money, gifts or donations under circumstances that warrant a reasonable concern for the safety of persons or property in the vicinity by utilizing or employing tactics including, but not limited to, non-consensual touching, detaining, impeding or intimidation which causes fear or apprehension in another person constitutes a threat to the public health, welfare and safety of the citizenry. The Board of County Commissioners further finds that any person who intentionally blocks the passage of another person or a vehicle which requires another person to take evasive action to avoid physical contact constitutes a threat to the public health, welfare and safety of the citizenry.

(b) The Board of County Commissioners finds that any person who panhandles under circumstances that warrant a reasonable concern for the safety of persons or property in public rooms or private buildings and on private developed properties by utilizing or employing tactics including, but not limited to, non-consensual touching, detaining, impeding or intimidation, which causes fear or apprehension in another person, engages in acts which constitute a threat to the public health, welfare and safety of the citizenry.

(c) The Board of County Commissioners finds that panhandling or demanding money, gifts or donations may interfere with the safe ingress and egress of human and vehicular traffic into public buildings, public areas and public transportation areas thereby constituting a threat to the public health, welfare and safety of the citizenry.

(d) Aggressive panhandling is disturbing and disruptive to residents and businesses and contributes to the loss of access to and enjoyment of public places and to a sense of fear, intimidation and disorder.

(e) The presence of individuals who solicit money from persons in places that are confined, difficult to avoid, or where a person might find it necessary to wait, is especially hazardous because of the enhanced fear of crime.

(f) This Chapter is intended to protect all persons from the hazards, disruption, fear, and intimidation that accompany certain kinds of solicitation, and not to limit constitutionally protected activity.

Sec. 232.2. Definitions. Except where the content otherwise specifically requires, as used in this Chapter, the following definitions apply:

Aggressive means and includes, but is not limited to, approaching or following pedestrians, repetitive soliciting despite refusals, the use of abusive or profane language to cause fear and intimidation, unwanted physical contact, the intentional blocking of pedestrian and vehicular traffic, the touching or causing physical contact with a solicited person without that person's consent or threatening to make such contact, the intentional blocking of the entrance to any building or vehicle, the following behind, ahead or alongside a person who walks away from a solicitor after being solicited with the intent to intimidate or continue solicitation, the approaching of a solicited person in a manner that is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession or is intended to or is likely to intimidate a reasonable person into responding affirmatively to the solicitation, or the soliciting of a person while the solicitor is under the influence of alcohol or drugs in a manner which disrupts the peace. Aggressive

includes, but is not limited to, by acting in a manner while committing an assault, by committing a battery, or in a manner which violates the provisions of this Chapter.

Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie, or place an object in such a manner as to block passage of another person or a vehicle, or to require another person or driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a lawfully issued permit pursuant to this Code are not included within this definition.

Panhandle means to ask for, demand or solicit money, gifts or donations, either by words, bodily gestures, signs or other means. The terms panhandle, solicit and beg are synonymous in meaning. Panhandling is any solicitation made in person, requesting an immediate donation of money or other thing of value. Purchase of an item for an amount far exceeding its normal market value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation, is a donation for the purpose of this Chapter. Panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations at a location not prohibited by this Chapter and not in a manner prohibited by this Chapter.

Private building includes, but is not limited to, retail or service establishments, such as restaurants, convenience food stores, laundromats, service stations, hotels, offices and similar establishments open to the public. This term does not include any building owned, leased or operated by the federal or state government, or their political subdivisions, municipalities, special districts, any public administration board or authority of the state.

Private developed property includes, but is not limited to, a parking lot, driveway, walkway and landscaped areas.

Public building means any building or facility owned, leased or operated by or on behalf of the federal or state government or any of their political subdivisions, any municipality, or special district or any public administrative board or authority of the federal or state government.

Public entertainment venue means a place that is open to the public (whether or not upon payment of a fee for admission and whether or not the management reserves the right to exclude individual members of the public) for entertainment. The term includes, but is not limited to, cinemas, parks, theatres, concert halls, electronic games centers, indoor sports centers, art galleries, museums, and premises upon which any display or exhibition promoted as such is conducted.

Public place means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including, but not limited to, public entertainment venues, those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Public room includes a basement, building entrance or doorway, lobby, hallway, stairway, mezzanine, elevator, foyer, public restroom or sitting room or any other place used in common by the public, tenants, occupants or guests situated in any private building.

Public transportation area means a building, facility or area designated for mass transit transportation, such as, but not limited to, bus terminals, bus stops and taxi stands.

Solicit means any plea made in person where:

(a) A person by vocal appeal requests an immediate donation of money or other item from another person; or

(b) A person verbally offers or actively provides an item or service of little or no value to another in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

Sec. 232.3. Prohibited and Unlawful Acts.

(a) It is prohibited and unlawful for a person to interfere with pedestrians or motor vehicles if he or she obstructs pedestrian or vehicular traffic or aggressively panhandles on a right-of-way, road or street as defined in Section 334.03, Florida Statutes (2014), as this statute may be amended from time to time, which terms include, but are not limited to, associated sidewalks and crosswalks.

(b) It is prohibited and unlawful for a person to panhandle in any public room in any private building or on private developed property, without the permission or consent of the building's owner or managing and authorizing agent. For the purpose of enforcement of this Subsection, it is rebuttably presumed that if the owner, lessee, managing agent or other person in charge of a building prominently displays a sign as provided in Section 232.4 of this Code, then the activities declared unlawful in this Subsection are deemed to be without the permission or consent of the building's owner, lessee, managing agent or other authorized person.

(c) It is prohibited and unlawful for any person to obstruct, impede or interfere with the movement of pedestrians or vehicles for the purpose of panhandling within a public building, the parcel of land on which a public building is located, or a public transportation area.

(d) It is prohibited and unlawful for any person to panhandle when the person solicited is located on private property, unless the panhandler has permission from the owner or occupant of the private property.

(e) It is prohibited and unlawful for any person to aggressively panhandle in any public place within the County which public places include, by way of example only and not by way of limitation, the following places:

(1) At any bus or train stop;

(2) In any public transportation vehicle or facility, including, but not limited to, airports, roads, streets and right-of-way;

(3) In any vehicle on a street unless a permit has been issued to do so;

(4) In a public park, fairground, or sporting facility, including, but not limited to, entryways or exits thereto;

(5) Within a circumference of 25 feet of the site of any automated teller machine (ATM), a vending machine or any other machine dispensing cash or within a painted “privacy zone” painted on the ground around an ATM, whichever distance is less, all of which are subject to the permitting requirements of the County if such painted zone encompasses area within a road or right-of-way;

(6) In a parking lot or garage owned or operated by the County, including, but not limited to, entryways or exits and pay stations connected to the parking lot or garage;

(7) Within 1,000 feet of a school bus stop when children are present.

(f) It is prohibited and unlawful for any person to panhandle in any of the following manners each of which will rebuttably be deemed to be aggressive:

(1) By blocking the path of the person solicited;

(2) By using obscene, profane or abusive language, either during the solicitation or following a refusal;

(3) By panhandling in a group of two or more persons which would encircle the person begin solicited and deter their free movement; or

(4) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat.

Sec. 232.4. Conspicuous Notice. Each owner, lessee, managing agent or person in charge of the operation of a private building or private developed area may prominently display a sign on the premises, such as the lobby or entrance of the private building or private developed property, where it may be read by any person going in or out of the building or private developed property stating generally: “NO PANHANDLING OF ANY TYPE PERMITTED - SUCH CONDUCT IS PROHIBITED BY SEMINOLE COUNTY CODE”. The display of such signage constitutes conclusive proof that the person in charge has not granted permission to panhandle on the posted property.

Sec. 232.5. Areas of Enforcement. The Board is acting under this Chapter as the governing body for Seminole County, Florida, and this Chapter will be effective within the boundaries of unincorporated Seminole County, Florida.

Sec. 232.6. Applicability to Municipalities. The provisions of this Chapter are not to be applied or enforced within any incorporated areas of Seminole County.

Sec. 232.7. Penalties and Remedies.

(a) Pursuant to Section 125.69, Florida Statutes (2014), as this statute may be amended from time to time, any person convicted of violating the provisions of this Chapter may be punished either by a fine not to exceed FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) or by imprisonment for a term not to exceed sixty (60) days, or by both.

(b) In addition to the penalties provided by Subsection (a) of this Section, any violation of this Chapter is subject to appropriate civil action in a court of appropriate jurisdiction.

Section 2. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance, including its preamble, will become and be made a part of the Seminole County Code, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that Sections 2, 3 and 4 of this Ordinance will not be codified.

Section 3. Severability. If any provision of this Ordinance or the application of any such provision to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that such invalidity will 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 4. Effective date. This Ordinance takes effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this 13th day of January, 2015.

ATTEST:


MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA


BRENDA CAREY, Chairman

DGS/sjs
1/13/15

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 21, 2015

Honorable Maryanne Morse
Clerk of the Circuit Court
Seminole County
County Commission Records
1101 E. First Street, Room 2204
Sanford, Florida 32771

Attention: Terri Porter, Deputy Clerk

Dear Ms. Morse:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Seminole County Ordinance No. 2015-02, which was filed in this office on January 21, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb