

FILED FOR RECORD
R. B. SHORE

2007 APR -6 AM 8:45

ORDINANCE NO. 07-42

CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PERTAINING TO SOLICITATIONS; AMENDING THE MANATEE COUNTY CODE OF ORDINANCES; CREATING SECTION 2-21-7; PROHIBITING AGGRESSIVE SOLICITATIONS THROUGHOUT THE COUNTY; CREATING SECTION 2-21-8; PROHIBITING AND REGULATING SOLICITATION ACTIVITIES OCCURRING IN AND ALONG ROADWAYS IN THE COUNTY; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 1, Florida Constitution, and Section 125.01, Florida Statutes, the Board of County Commissioners of Manatee County, Florida, (the "Board") has the authority to prohibit and regulate conduct and behavior within Manatee County (the "County"), and to adopt ordinances effecting such prohibitions and regulations; and

WHEREAS, the Board recognizes a compelling governmental interest in providing and promoting a safe environment for the general public of the County; and

WHEREAS, employing threats, intimidation, or harassment while soliciting for charitable, commercial, or personal gains may create an unsafe situation that would directly conflict with the County's interest in providing and promoting a safe environment for the public; and

WHEREAS, the Board desires to prohibit all such aggressive solicitations in the County to better provide for and protect the public health, safety, and welfare; and

WHEREAS, the Board recognizes a compelling governmental interest in providing and promoting a safe and efficient transportation system within the County; and

WHEREAS, failure to regulate solicitation activities, whether for charitable, commercial, or personal gains, in and along the roadways within the County may create a danger to the health, safety, and general welfare of the public by potentially causing distractions to motorists, unsafe pedestrian movement within travel lanes, sudden stoppage or slowdown of traffic, rapid lane changing and other dangerous traffic movement, increased vehicular accidents, public and private property damage, and motorist and pedestrian injuries and fatalities; and

WHEREAS, the Board desires to regulate solicitation activities in and along the roadways within the County to better provide for and protect the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County, Florida:

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CLERK OF THE CIRCUIT COURT
MANATEE CO. FLORIDA

SECTION 1. Findings. The Board of County Commissioners hereby adopts and incorporates by reference herein all of the findings set forth above as findings of the Board.

SECTION 2. Amendment of the Code of Ordinances. Section 2-21-7 of the Manatee County Code of Ordinances is created to read as follows:

Section 2-21-7. Threatening, intimidating, or harassing behavior for purposes of solicitation; penalties.

(a) Aggressive solicitation prohibited. In any public place, it is unlawful for any person to solicit from another person by:

- (1) Any act or language constituting an express or implied threat of injury to any person or of damage to or loss of any property owned by or in lawful possession of the solicited person;
- (2) Continuing to solicit after the solicited person has made an express negative response to an initial solicitation; or
- (3) Any act that impedes the passage or free movement of the solicited person, whether the solicited person is on foot, on a bicycle, in a wheelchair, operating a motor vehicle, entering or exiting a motor vehicle, or moving or attempting to move in any other manner.

(b) Definitions. As used in this section, the following words, terms, and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) "Public place" shall include all places within the County defined as a public place pursuant to Section 877.21, Florida Statutes, as may be amended.
- (2) "Solicit" and "solicitation" shall include attempts, whether verbal or through other means of communication, to obtain contributions or to sell any good, property, or service for any purpose, including panhandling.

(c) Enforcement and Violations. The Sheriff and other law enforcement agencies are authorized to enforce this Section. The violation of any provision of this Section shall be punishable upon conviction by a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment, as provided in Section 125.69, Florida Statutes. Each violation of this Section shall constitute a separate offense.

SECTION 3. Amendment of the Code of Ordinances. Section 2-21-8 of the Manatee County Code of Ordinances is created to read as follows:

Section 2-21-8. Solicitation in or along roadways in the County; penalties.

(a) **Prohibited Activities.** It shall be unlawful for any person to solicit from an occupant of a vehicle, or to receive goods, properties, services, or monies as a result of such a solicitation, while said person is upon, or within fifteen (15) feet of the edge of, a public road. Where a building, wall, solid privacy fence, or other similar permanent structure is at or within fifteen (15) feet of the edge of any public road, any person soliciting from an occupant of a vehicle or receiving goods, properties, services, or monies as a result of such a solicitation must at all times maintain the maximum possible distance from the edge of the public road as such structure will allow; however, the soliciting person may not come within five (5) feet of the edge of the public road in any such circumstance.

(b) **Definitions.** As used in this section, the following words, terms, and phrases shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) "Public road" shall include all roads within the County designated as public roads pursuant to Section 335.01, Florida Statutes, as may be amended, which includes all roads open and available for use by the public and dedicated to the public use according to law or by prescription. Such public roads shall include the surface paved or maintained for vehicular travel along with any curb or median associated with such roads.
- (2) "Solicit" and "solicitation" shall include attempts, whether verbal or through other means of communication, to obtain contributions or to sell any good, property, or service for any purpose, including panhandling.

(c) **Enforcement and Violations.** The Sheriff and other law enforcement agencies are authorized to enforce this Section. The violation of any provision of this Section shall be punishable upon conviction by a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment, as provided in Section 125.69, Florida Statutes. Each violation of this Section shall constitute a separate offense. When the circumstances warrant, a sentence to community service is encouraged in lieu of jail or fines.

SECTION 4. Codification. The publisher of the County's Code of Laws, the Municipal Code Corporation, is directed to incorporate the amendments included in Sections 2 and 3 of this Ordinance into the Code of Ordinances.

SECTION 5. Severability. If any section, sentence, clause, or other provision of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such section, sentence, clause, or other provision shall be deemed severable, and such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Ordinance.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon filing in the Office of the Secretary of State in Tallahassee, Florida.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 27th day of March, 2007.

**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: *Mac Wilson Hillman*

FIRST VICE-CHAIRMAN

ATTEST: R.B. SHORE
Clerk of the Circuit Court

By: *Susan L. Romine*
Deputy Clerk



STATE OF FLORIDA, COUNTY OF MANATEE
This is to certify that the foregoing is a true and
correct copy of the documents on file in my office.

Witness my hand and official seal this 28th day of
March, 2007

R.B. SHORE
Clerk of Circuit Court

By: *Clara Fessner* **D.C.**



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

April 2, 2007

Honorable R. B. "Chips" Shore
Clerk of Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attn: Vicki Tessmer, Deputy Clerk

Dear Mr. Shore:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 28, 2007, and certified copies of Manatee County Ordinance Nos. 07-42 and 07-45, which were filed in this office on April 2, 2007.

As requested, one date stamped copy is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/lbh
Enclosure

DIRECTOR'S OFFICE

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