

Amending Peddlers and Solicitors Code

Chapter 112, Section(s) 112.01, 112.02, 112.03, 112.05,
112.07, 112.10, 112.11, 112.20, 112.21 112.22, 112.23, 112.24,
112.25, 112.27, 112.29, 112.30, 112.31, 112.99

City Council Meeting of February 12, 2024

INCORPORATED

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Section 112.01. Definitions.

- **Removes the following definitions:**
 - Agent
 - Canvasser or solicitor
 - Goods, wares, and merchandise
 - Itinerant peddler or hawker
 - Peddler
- **Adds the following definitions:**
 - Commercial Solicitor, vendor, itinerant merchant or transient vendor of merchandise or services. A “ commercial solicitor, vendor, itinerant merchant or transient vendor of merchandise services” is defined to be any person who solicits or attempts to solicit orders for the sale of goods, wares, merchandise or services, whether the sale is consummated in the city or to be consummated when approved by some other person elsewhere, or bargains to sell any goods, wares, merchandise or services from house to house, for cash or other consumer credit transaction, installment contract, loan agreement, or other evidence of indebtedness.

Continue Section 112.01. Definitions.

- Home Solicitation Sale. A “Home Solicitation Sale” means a sale, lease, or rental of consumer goods or services with a purchase in excess of \$50 which includes all interest, service charges, finance charges, postage, freight, insurance, and service or handling charges, whether under single or multiple contracts, made pursuant to an installment contract, a loan agreement, other evidence of indebtedness, or a cash transaction or other consumer credit transaction.
- Licensing Official. The “licensing official”, for purposes of this chapter, refers to the City’s Police Department and any divisions or any individuals instructed to handle and review permitting applications under this Chapter.
- Panhandling. A “panhandler,” for purpose of this chapter, means a person who is soliciting for money, food, or other items for their own personal benefit and not for the monetary gain of a business.

Section 112.02. Exceptions.

- Provides the following exemptions:
 - Individuals engaged in solicitations for bona fide educational, literary, scientific, religious, or charitable organizations are exempt from the provisions of this chapter. Panhandling is exempted from the provisions of this chapter.

Section 112.03. Permission of Homeowner or Occupant to Enter Premises.

- Adds the following phrase: “permanently or stopping.”

Section 112.05. Harassment.

- Remove entire section.



Section 112.07. Hours of Solicitation.

- Removes entire section.

Section 112.11. Records of Violation.

- Renumber from 112.09 to 112.11.



Section 112.10. Right to Solicit at Reasonable Times, Places and Under Reasonable Circumstance.

- Amends time for reasonable solicitation from 10:00 AM to 4:00 PM daily, to 8:00 AM to 8:00 PM
- Creates the following Restricted Areas where solicitor, peddler, or merchants may not solicit:
 - Within 25 feet of any bank, ATM, or other financial institution.
 - Within 500 feet of any property used for school purposes (preschool, elementary, secondary) on all school days between the hours of 7:00 a.m. and 4:30 p.m.
 - Within 100 feet of any driveway entrance to a police or fire station, or within 20 feet of any other driveway.



Cont. Section 112.10. Right to Solicit at Reasonable Times, Places and Under Reasonable Circumstance.

- Within five feet of the entranceway to any building.
 - Within 20 feet of any bus stop zone.
 - Within five feet of the pedestrian crosswalk at any intersection, or designated pedestrian crossing point.
 - Within ten feet of any ADA assigned parking space, or access ramp.
- Provides that “*Reasonable Circumstances* are those except when a solicitor uses words or actions, which by their utterance, inflict injury on any person or cause a disturbance of the peace by importuning the person to purchase or look at his or her goods or wares.”

Section 112.21. Application; Fee for Investigation.

- **Adds the following:**
 - Requires a current photograph of the applicant sufficient to establish identification.
- **Maintains the following requirements:**
 - to submit fingerprints for permit application.

Section 112.22. Investigation.

- **Changes the following:**
 - investigation period for application from a minimum of 10 days to a maximum of 15 days.
- **Removes the following:**
 - business and moral character of applicant.

Section 112.23 Denial of permit

- **Changes the following:**
 - appeal process for denial of permit.
 - Applicant may appeal the denial of a permit within 15 business days to the City manager.

Section 112.24. Issuance; Identification Card.

- **Changes the following:**
 - Removes references regarding character of applicant.



Section 112.25. Fee; Adjustment by City Manager.

- **Adds the following:**
 - that the Port St. Lucie Police Department is authorized to impose a reasonable permit fee sufficient to offset the administrative costs associated with the permitting process.
- **Changes the following:**
 - Removes old fee structure for permit application.

Section 112.27. Expiration; Renewal and Due Date; Delinquency.

- **Adds the following:**
 - Adds language that all permits issued shall be valid for one year from the date the permit was issued.
- **Changes the following:**
 - Removes existing language regarding permit expiration on September 30th each year.
 - Removes payment schedule for renewal of permit and language regarding processing fees.

Section 112.31. Appeal of Decision.

- **Changes the following:**
 - appeal from City Manager denial of permit from City Council to Special Magistrate
- **Removes the following:**
 - references to licensing official.

Section 112.99. Penalty.

- **Changes the following:**
 - Updates terms used to define a solicitor under the chapter.



COMMENTS or QUESTIONS?

