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*Duty to A.C.T.*  
*Accountability Consistency Transparency*

## Solicitation Permit Requirements

In order to process your application, attach the following, if applicable:

1. Completed application with required fee (per person) payable via money order or cashier's check.\*
  - a. Per Longwood City Code Appendix B
  - b. \$200 – Solicitation permit
  - c. \$20 – Solicitation permit (for non-profit)
2. General Release (must be signed and notarized)\*
3. Indemnification/Hold Harmless (must be signed and notarized)\*
4. Copy of applicant's driver's license\*
5. Copy of county home solicitation permit (issued by Seminole County Clerk of Court, required for sales completed on the doorstep over \$25.00 in value)
6. Copy of the 501.C3 form (IRS Non-profit organization elect form)

\*Indicates mandatory requirements for every permit application. If you have any questions, please contact Lieutenant Gioielli at 407-260-3427 or [cgioielli@longwoodfl.org](mailto:cgioielli@longwoodfl.org)

## General Release

\_\_\_\_\_ an authorized representative of \_\_\_\_\_  
Applicant's Name Organization/Group Name  
as RELEASOR, hereby agrees to release and discharge the City of Longwood as RELEASEE, RELEASEE'S executors, administrators, employees, successors and assigns from any and all actions, cause of action, suits, charges or obligations, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever, in law, admiralty or equity, which against the RELEASEE, the RELEASOR, RELEASOR'S heirs, executors, administrators, employees, successors and assigns every had, now have or hereafter can, shall of may have for, upon, or by reason of any matter, cause of thing whatsoever from the beginning of time to the date of the RELEASE, more specifically:

Any action arising out of the use of the road right-of-ways within the City of Longwood for activities described in Ordinance #11-1982 subsequent to the issuance of a permit for such activity as required by said ordinance.

Wherever the sense of this RELEASE requires, a singular number shall be construed to be plural and vice versa, and words of the masculine gender shall be construed to be feminine and vice versa.

This RELEASE may only be changed in writing, signed by both the RELEASOR and RELEASEE. IN WITNESS WHEREOF, the RELEASOR has executed this RELEASE in the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Signature: \_\_\_\_\_

**STATE OF FLORIDA, COUNTY OF SEMINOLE:**

On \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ before me \_\_\_\_\_ personally came \_\_\_\_\_ to me known, and know to me to be the individual(s) described in, and who executed the foregoing RELEASE, and duly acknowledged to me that (t)(s)he(y) executed the same.

\_\_\_\_\_  
Notary Public

**Indemnification/Hold Harmless**

INDEMNIFICATION/HOLD  
HARMLESS \_\_\_\_\_

Applicant's Name

Irrevocably covenants, promises and agrees to indemnify the City of Longwood and to hold the City of Longwood harmless from and against any and all losses, claims, expenses, suits, damages, costs, demand or liabilities, joint or several, of whatever kind of nature which the City of Longwood may sustain or to which the City of Longwood may become subject arising out of or relating in any way to solicitation activities as described in the City of Longwood Ordinance #11-1982 without limitation, in each case attorney's fees, costs and expenses actually incurred in defending against or enforcing any such losses, claims, expenses, suits damages or liabilities.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Organization/Group Name

**STATE OF FLORIDA, COUNTY OF SEMINOLE:**

On \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ before me \_\_\_\_\_  
personally came \_\_\_\_\_ to me known, and know to me to be the individual(s)  
described in, and who executed the foregoing RELEASE, and duly acknowledged to me that (t)(s)he(y)  
executed the same.

\_\_\_\_\_  
Notary Public

## Guidelines for Solicitation Permits

You are responsible for reviewing and adhering to all City of Longwood Code regulations as outlined in Ordinance #11-1982 and the entire City Code of Ordinances. The following guidelines are presented as a courtesy and are not meant to be all-inclusive:

### I. DOOR TO DOOR SALES/DISTRIBUTION:

Flyers may only be distributed to residential and business areas that all soliciting. Flyers may not be distributed in plaza parking lots without permission of the plaza management. All door to door sales must comply with the state Home Solicitation Sales Law. Residential areas can only be solicited Monday-Saturday except legal holidays from 10:00am – 6:00pm. If a property displays a “No Soliciting” sign, a solicitation permit DOES NOT grant access to the site.

### II. CHARITABLE SOLICITATION IN THE RIGHT OF WAY:

Solicitations of this nature must comply with City Ordinance #11-1982, which includes the following regulations but is not limited to:

- All solicitation activities are limited only to the areas approved by the City in advance.
- Solicitation permitted on Saturday and Sunday only.
- Solicitation permitted during *daylight hours only*.
- DO NOT enter any traffic lanes. DO NOT obstruct access on driveways to businesses. Utilize right of ways and medians.
- Wear a high visibility fluorescent shirt or vest at all times.
- One adult must be present at each site for every three or fewer minors present.
- Display a legible ID badge which should include:
  - Name
  - Sponsor
  - A recent photograph of the participant
- Complete the appropriate application. An approved copy of the application must be available for inspection at any time while the solicitation is being conducted.

Solicitation permits will be limited to two approved calendar days for each permit. Additional permits will be limited to no more than one in every six month period.

Permits obtained from the Longwood Police Department may be revoked by a police officer for any violation of the City Code including the rules set forth above.

## **Instructions for Solicitation Permit Application**

1. Date of application – The date the completed application is being submitted for review.
2. Select the appropriate box which represents your proposed activity – Charitable Solicitation in the ROW or Door to Door Solicitation.
3. Name of Organization – Official organizational name (may be employer of applicant and/or whom the solicitation will benefit).
4. Phone number – Local telephone number of organization sponsoring solicitation.
5. Organization address – Local physical address of organization.
6. Nature of service offered, location, and dates requested – Specific explanation of what is being solicited, in what specific locations and the specific calendar dates you are requesting (max 2).
7. Applicant/Crew manager name – Name of adult who is coordinating solicitation (contact person responsible for permit).
8. Applicant/Crew manager phone number – Contact number where coordinator can be reached if a question or problem arises.
9. Valid electronic mail address – For the applicant/crew manager.
10. Length of service with organization – Amount of time applicant has been associated with the organization in years and months.
11. Date of birth – The month/day/year the applicant was born.
12. Physical home address – The physical address where applicant resides (no PO boxes).
13. Height – Indicate height of applicant in feet and inches.
14. Weight – Indicate weight of applicant in pounds.
15. Hair/Eye color – Indicate hair and eye color of applicant.
16. Race/Sex – Indicate race and sex of applicant.
17. Have you ever been convicted of any offense – Indicate “yes” or “no”. If yes, describe in detail any conviction (found guilty) of applicant on reverse side of application.
18. Number of minors – Total number of juveniles under the age of 18 participating in the solicitation.
19. Number of adults – Total number of individuals over the age of 18 supervising the juveniles and/or participating in the solicitation.
20. Do you have a county issued “Home solicitation permit” – A current home solicitation permit that you have applied for and received by Seminole County Clerk of the Court, after paying the application fee, being fingerprinted and successfully passing the background check.
21. Car number – “Home Solicitation Permit” number issued by Seminole County Clerk of the Court.
22. License number of vehicle – License plate number of applicant’s vehicle.
23. State of registration – State that issued the license plate.
24. Year of vehicle – The model year of the applicant’s vehicle.

## **Instructions for Solicitation Permit Application Continued**

25. Driver's license number/state issued – The state issued driver's license number of the applicant/crew manager and the state issued from.
26. Will the nature of this solicitation be for a charitable contribution – Indicate “yes” or “no”. **If yes**, attach the disclosure information required by Florida State Statute 496.411 which outlines charities disclosure information required for registering as a charitable organization with the State of Florida. **If no, or exempt**, provide a description of the basis for exemption as described in F.S.S. 496.
27. Signature of applicant – Applicant's signature in ink. Please read statement carefully before signing as it is an acknowledgement as to the truthfulness of the responses to the application. It also acknowledges that a background investigation will be completed and the issuance of the permit is contingent upon that investigation.
28. Date – Date applicant completed the application.

**\*\*Applications will not be accepted without the required fees\*\***

## SOLICITATION PERMIT APPLICATION

1. Date of Application:		2. <input type="checkbox"/> Charitable Solicitation in ROW <input type="checkbox"/> Door to Door	
3. Name of Organization:		4. Organization Phone Number:	
5. Organization Address:			
6. Nature of Services Offered, Location & Dates Requested:			
7. Name of Applicant:		8. Phone #:	
9. Email Address:			
10. Length of Service with Organization:		11. Date of Birth:	
12. Physical Home Address:			
13. Height:	14. Weight:	15. Hair/Eye Color:	16. Race/Sex:
17. Have you ever been convicted of any offense?: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give details on reverse side of application.			
18. Number of Minors:		19. Number of Adults:	
20. Do you have a county "Home Solicitation Permit"? <input type="checkbox"/> Yes <input type="checkbox"/> No		21. Card Number:	
22. License Plate of Vehicle:	23. State of Registration:	24. Year of Vehicle:	
25. Driver's License Number/State Issued:			
26. Will the nature of this solicitation be for a charitable contribution: <input type="checkbox"/> Yes <input type="checkbox"/> No			
If yes, please attach the disclosure <u>information required by F.S.S 496.411 -OR-                  If exempt, please provide a description of the basis for exemption, F.S.S. 496.406</u>			
I understand that issuance of a permit is contingent upon a complete character investigation. I am aware that willfully withholding information or making false statements on this application will be basis for denial of permit. I agree to these conditions and hereby certify that all statements made on this application are true and correct to the best of my knowledge.			
27. Signature of Applicant:		28. Date	

**\*\* DO NOT WRITE BELOW THIS LINE\*\***

Reviewed by:		Date/Time:	
Permit: <input type="checkbox"/> Approved <input type="checkbox"/> Denied		Reason for denial:	
Date permit expires:		Approved days & dates:	
Authorized location(s):			

Solicitation without a permit is a misdemeanor!

ORDINANCE 11-1982

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA REPEALING CHAPTER 54 OF THE LONGWOOD CITY CODE OF ORDINANCES; AND REPLACING WITH A NEW CHAPTER 54 OF THE LONGWOOD CITY CODE OF ORDINANCES IMPLEMENTING REVISED REGULATIONS FOR SOLICITORS, PEDDLERS, AND SOLICITATION IN THE RIGHT-OF-WAY; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Longwood (the "City") is vested with home rule authority pursuant to Article VII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances;

WHEREAS, the City of Longwood has a large population that can benefit from the availability of options for various services and products offered by local solicitors and peddlers, which should be made available in an orderly and controlled manner;

WHEREAS, the City is concerned with the safety of its population, especially from falling victim to improperly controlled soliciting or peddling;

WHEREAS, enforcing this safety can only be achieved by requiring specific criteria be met in order for a permit to be issued for those who wish to solicit and peddle;

WHEREAS, allowing that there be specific criteria for control of soliciting and peddling that still allows parties involved to practice their First Amendment rights in a manner that does not pose a risk to the general population;

WHEREAS, the City wishes to ensure that solicitors and peddlers do not negatively impact the aesthetics and functionality of parcels and lots located within the City;

WHEREAS, the City of Longwood finds that implementation of the enforcement program set forth in this ordinance will promote, protect and improve the health, safety and welfare of its citizens, consistent with the authority of and limitations on the City pursuant to the Constitution of the State of Florida and the Florida Statutes.

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

SECTION 1. Repeal of Prior Chapter 54 of the Longwood City Code of Ordinances.

ARTICLE I. - IN GENERAL

~~Secs. 54-1-54-30. Reserved.~~

## ARTICLE II. SOLICITORS

~~Sec. 54-31. Permits for transient or itinerant solicitors.~~

~~(a) It shall be unlawful for any transient or itinerant solicitor to solicit orders for goods, wares, merchandise, newspapers, magazines or periodicals or any other matters, without first obtaining a written permit from the police chief.~~

~~(b) The police department is hereby authorized to issue a permit to any person, upon proper application, to solicit orders from the citizens of the city but only upon exhibition to him of proper credentials.~~

~~(Code 1982, § 14-1)~~

~~Secs. 54-32-54-60. Reserved.~~

## ARTICLE III. PEDDLERS

### DIVISION 1. GENERALLY

~~Sec. 54-61. Applicability.~~

~~For the purposes of this article, the term "peddler" is limited to those peddlers who engage in or conduct their trade in one or more specific locations for a time period exceeding one hour in any 24-hour time period.~~

~~(Code 1982, § 14-2)~~

~~Sec. 54-62. Prohibited activity.~~

~~It shall be unlawful for any peddler to ply his vocation within the municipal limits of the city without first having obtained an occupational license. However, the following activities are prohibited:~~

~~(1) It shall be unlawful for any peddler to ply his vocation on any street, sidewalk or any other public rights-of-way.~~

~~(2) It shall be unlawful for any peddler to ply his vocation within any residential or historic district.~~

~~(3) It shall be unlawful for any peddler to ply his vocation on an area or tract of land that is used for the retail sale or lease of vehicles or motor fuels or lubricants.~~

~~(Code 1982, § 14-3)~~

~~Secs. 54-63-54-80. Reserved.~~

### DIVISION 2. PERMIT

PART II - CITY CODE  
Chapter 54 - PEDDLERS AND SOLICITORS  
ARTICLE III. - PEDDLERS  
DIVISION 2. - PERMIT

~~Sec. 54-81. - Application and requirements.~~

~~Every peddler wishing to do business within the city limits must first complete an application for a permit. Each application shall be accompanied by a permit fee as set out in appendix B and include the following items:~~

~~(1) Notarized permission letter from the owner of the property where the peddler intends to do business.~~

~~(2) Proof of all county, health, state or other licenses or permits as required by any governmental agency regulating the applicant.~~

~~(3) A scaled drawing or survey showing the location and quantity of vehicle parking spaces, driveways and fire hydrants. Denial will be recommended to the city commission if parking, driveways, fire lanes and hydrants are inadequate or unsafe.~~

~~(Code 1982, § 14-4)~~

~~Sec. 54-82. - Issuance or denial of permit.~~

~~(a) A permit shall be issued to any applicant meeting the requirements of this chapter.~~

~~(b) An applicant denied a permit, who otherwise meets the requirements of this chapter, shall be entitled to a review of the denial.~~

~~(Code 1982, § 14-5)~~

~~Sec. 54-83. - Duration of peddler's permit; revocation.~~

~~(a) Duration. All permits for peddlers shall be issued for a maximum period of one year.~~

~~(b) Revocation.~~

~~(1) The chief of police may recommend revocation of a peddler's permit if the peddler fails to meet the requirements of this chapter or chapter 82, article II of this Code.~~

~~(2) The city commission shall determine whether the permit should be revoked based on the requirements.~~

~~(Code 1982, § 14-6)~~

~~Secs. 54-84 - 54-110. - Reserved.~~

**ARTICLE IV. - CHARITABLE SOLICITATION IN THE PUBLIC RIGHTS-OF-WAY**

**Sec. 54-111. - Definitions.**

For purposes of this article, each of the following terms shall have the same definition as the term is defined in the statutory reference set forth hereinbelow or as otherwise specifically defined herein:

*Arterial road.* See F.S. § 334.03.

*Collector road.* See F.S. § 334.03.

*Intersection.* See F.S. § 316.003.

*Person.* See F.S. § 334.03.

*Right-of-way.* See F.S. § 334.03.

*Road.* See F.S. § 334.03.

*Solicitation of charitable contribution* means the solicitation or attempted solicitation of money, donations of money, property or financial assistance of any kind or the tender, sale or offer for sale of any article, tag, service, emblem, publication, ticket, advertisement, subscription or anything of value on the plea or representation that such solicitation or tender, sale, or an offer of sale or the proceeds thereof, is for a charitable, patriotic, public, philanthropic, or political purpose.

(Code 1982, § 14-7)

*Cross reference* — Definitions generally, § 1-2.

**Sec. 54-112. - Regulations.**

The use of any traveled right-of-way in the city as a public forum, including the solicitation of charitable contributions, is subject to the following regulation:

(1) Any use of a collector road or arterial road right-of-way as a public forum, when activities generated by such use occur between the curb to curb or shoulder to shoulder portion of the paved right-of-way, including medians therein, shall require a permit as set forth in section 54-113

(2) Any use of a collector road or arterial road right-of-way as a public forum, when such use occurs outside of the vehicular traffic lanes, but the activities generated by such use are directed primarily toward vehicles within the traffic lanes, shall require a permit as set forth in section 54-113

(3) The intersections of certain collector road and arterial road rights-of-way between the curb to curb or shoulder to shoulder portion of the paved right-of-way, including any medians therein, and traveled portions of such roads adjacent to such intersections, due to their high traffic volumes, designs and/or accident rates, are hazardous and unsafe for the mixing of

pedestrian public forum usage with the primary intended use of such intersections and roads for vehicular traffic flow. Such hazardous and unsafe intersections and adjacent roads shall be designated as "hazardous and unsafe intersections" from time to time by resolution enacted by the city commission. No permits shall be issued under section 54-113 for any public forum use at those intersections so designated as hazardous and unsafe in any such resolution. Further, no permit shall be issued under section 54-113 to allow any public forum activity to take place within or upon those rights-of-way of the roads which constitute or create such a designated intersection when such public forum activity would take place within 500 feet of such a designated intersection. Those hazardous and unsafe intersections designated in a "hazardous and unsafe intersection" resolution shall be chosen from intersections recommended for such designation by the city traffic engineer after consideration by him of appropriate evidence justifying such recommendations. The city traffic engineer periodically shall review and recommend intersections for designation as hazardous and unsafe and shall suggest additions for designation as hazardous and unsafe and shall suggest additions and deletions to those so designated based upon changes in traffic volumes, rights-of-way, designs and/or accident rates and other appropriate criteria.

(4) This article shall affect a person's or group's right to use for public forum purposes only those portions of right-of-way in the city which are regulated under authority of this article. Other applicable local, state, and federal laws and regulation regarding rights-of-way shall continue in full force and effect, including those prohibiting commercial use of rights-of-way.

(5) In order to provide for the orderly flow of traffic during normal business days, and in order to protect the health, safety, and welfare of both public forum participants and the traveling public, public forum activities (including the solicitation of charitable contributions) shall comply with the following conditions:

a. Public forum activities shall be permitted only on Saturdays and Sundays and only between the hours published by appropriate federal government authority as those official times for sunrise and sunset.

b. Participants in public forum activities regulated hereunder shall not enter or remain in the traffic lanes of the roadway except at and within designated pedestrian crosswalks.

c. Participants in public forum activities regulated hereunder who are positioned on roadway medians or in pedestrian crosswalks shall at all times wear a safety garment such as a high visibility shirt, vest, or jacket, the color of which shall be orange, yellow, strong yellow-green (or the fluorescent versions of these colors) such garment shall comply with specifications contained in the current edition of Part IV of the Manual on Uniform Traffic Control Devices, as published by the Federal Highway Administration.

d. If any minor under the age of 18 participates in a public forum activity regulated hereunder, it is required that one adult supervisor be present at the public forum activity site for each group of three or fewer minor participants present. The presence of such an adult supervisor is required in order to supervise the movements and promote the safety of such minor participants.

e. Any participant in public forum activity regulated hereunder who is engaged in the solicitation of charitable contributions shall display prominently a legible identification card or badge which shall show the following information:

1. — A recent photograph of the participant.
2. — The participant's name.
3. — The name of the sponsor of the public forum activity.

The participant's name and photograph shall be permanently affixed or laminated to such card or badge. Identification provided for other purposes (vehicle operator license, state identification card, employer identification card, etc.) may be used to satisfy informational portions of this requirement. The required identification card or badge shall be provided by the permittee to each participant.

~~(6) Participants in public forum activity regulated hereunder shall not block or obstruct any road, traffic lane, crosswalk, sidewalk, driveway, or property entrance in any manner or fashion which would prevent the beneficial use of such. No participant in a public forum activity regulated hereunder shall engage in any activity or behavior which may endanger the personal safety of the public or the participant.~~

~~(Code 1982, § 14-8)~~

~~Sec. 54-113. — Permits.~~

~~(a) In order for a person or group to conduct any public forum activity (including the solicitation of charitable contribution) as described in section 54-112, such person or group must first obtain a right-of-way/public forum permit from the city traffic engineer or his designee.~~

~~(b) Application for a right-of-way/public forum permit shall be made on a form supplied by the city traffic engineer or his designee. Every application shall be filled out completely. Failure to fully complete an application shall be grounds to refuse a permit.~~

~~(c) Each right-of-way/public forum permit for a public forum activity which does not include the solicitation of charitable contributions shall be valid for not longer than seven days. Each right-of-way/public forum permit for a public forum activity which does not include the solicitation of charitable contributions shall be valid for not longer than two days.~~

~~(d) Each right-of-way/public forum permit shall be specific as to location and dates.~~

~~(e) The Longwood city commission may establish fees for the issuance of right-of-way/public forum permits.~~

~~(f) As part of the application for a right-of-way/public forum permit, each application whether the solicitation of charitable contributions will be part of the public forum activities to be conducted. If the solicitation of charitable contributions is to be part of such public forum activities, then the applicant person or group shall supply to the city as part of the application such disclosure information as is required pursuant to the Solicitation of Funds Act, F.S. ch. 496. Those persons or groups which are exempted from compliance with the Solicitation of Funds Act shall state the basis of exemption as part of the application.~~

~~(g) As part of the application for a right-of-way/public forum permit, the applicant shall sign a waiver of liability in favor of the city for incidents which may result from the activities conducted by the person or group under the permit.~~

~~(h) As part of the application for a right-of-way/public forum permit, the applicant shall sign a~~

~~hold harmless agreement in favor of the city for incidents occurring as a result of the person's or group's actions while operating under the permit.~~

~~(i) The city traffic engineer shall issue a right-of-way/public forum permit within ten days after a complete application is submitted. Only one such permit per intersection and adjacent roadways or any other specific area constituting a 500 lineal foot length of right-of-way shall be issued.~~

~~(j) An appeal from any applicant not issued a permit hereunder may be taken to the city commission. The city commission shall hold a hearing on the matter and render a decision constituting the final city action in the matter.~~

~~(k) The city traffic engineer, or designee, may revoke a right-of-way public forum activity permit upon finding a violation of any substantial or material condition or standard for issuance of such a permit or conduct of any activity thereunder. Such finding shall be made only upon hearing and after reasonable notice of such hearing has been given to the permittee.~~

~~{Code 1982, § 14-9}~~

~~Sec. 54-114. - Violation; penalties.~~

~~(a) It shall be unlawful to stage, present, or conduct any public forum activity regulated by the article without first having obtained a permit therefor as provided for herein.~~

~~(b) It shall be unlawful to knowingly participate in any public forum activity regulated by the article when a permit has not been issued for such public forum activity.~~

~~(c) It shall be unlawful for any person in charge of, or responsible for, any duly permitted public forum activity to knowingly fail to comply with any regulatory or administrative requirement or provision of this article.~~

~~(d) It shall be unlawful for any person to alter a duly signed and issued public forum permit in any way.~~

~~(e) Any person violating the provisions of the article shall be punished as provided in section 1-13~~

~~{Code 1982, § 14-10}~~

**SECTION 2.** Chapter 54, as enacted by Ordinance Code 1982, is hereby repealed in its entirety and replaced with new Chapter 54 as set forth herein:

**ARTICLE I. SOLICITORS**

**Sec. 54-1.—Applicability.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Solicit means to travel either by foot, bicycle, motor vehicle, or any other type conveyance from place to place, from house to house, or from street to street, for the purpose of taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any

nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not a sample of the subject of such sale is carried or exposed for sale, and regardless of whether advance payments on such sales are collected. The term shall also include the distribution of promotional items, such as, but not limited to, door hangers and flyers, advertising the sale of a product or service or appointment setting activities for future or current sales. Except as otherwise specified, solicit shall not include persons engaged in the exercise of their constitutional rights of freedom of speech and political activity.

Premises means any residential or commercial lot, including but not limited to the yard, the residence, building and any accessory buildings, garages, or other structures on the lot.

Solicitation permit means a permit issued by the city allowing a person to solicit in residential or commercial areas.

#### Sec. 54-2. Prohibited Activity.

(a) It is unlawful for any person to solicit goods or services in any residential area without first obtaining a solicitation permit pursuant to the terms, conditions, and provisions of this article.

(b) It is unlawful for any person to solicit or peddle goods or services in any residential area except within the following time limitations and at no other time:

From 10:00 a.m. to 6:00 p.m. Monday through Saturday, except legal holidays. A list of city recognized legal holidays are on file at the police department.

(c) It is unlawful for any person to enter upon any residential or commercial premises in the city under false pretenses for the purpose of soliciting orders for the sale of goods, wares, merchandise or personal services, and for disposing of or peddling the same; or to remain on any residential or commercial premises, after the owner or occupant thereof has requested such person to leave; or to enter upon any residential or commercial premises for any such purposes when the owner or occupant thereof has displayed a no-soliciting sign on such premises.

(d) It is unlawful for any person while engaged in solicitation to enter into the side or back yard of any residential premises unless accompanied by the resident of the premises. A violation of this paragraph (d) may result in the immediate arrest of the violator.

#### Sec. 54-3. Exemptions.

The following persons and activities are exempt from the requirement to obtain a solicitation permit under this article and the time limitations of section 54-2(b):

(a) Representatives of daily or weekly newspapers making regular house-to-house deliveries.

(b) All solicitors specifically invited by the owner or tenant to come to the premises to engage in selling, soliciting, and/or displaying merchandise of any kind and nature.

(c) Persons participating in traditional holiday activities, including but not limited to Halloween trick-or-treating and Christmas carolers.

(d) Persons who solicit or canvass on behalf of an issue, a political party or candidate for elected office.

(e) Persons participating in door-to-door religious ministry, regardless of religion or denomination.

(f) Persons under the age of 18 soliciting or canvassing on behalf of a bona fide non-profit or governmental agency, including, but not limited to, the Boy Scouts of America, the Girl Scouts, Campfire, a non-profit sports team or community activity organization of which the persons soliciting are members, an educational institution, or a school-sponsored organization.

Qualification for an exemption under this section shall not be construed to excuse or authorize otherwise unlawful conduct such as the conduct of vending or solicitation operations on properties without the consent of the owner or lessee of such property, trespass, disturbances of the peace, fraud, or the failure to observe and abide by any other applicable ordinance, law, or statute.

**Sec. 54-4. - Procedures for obtaining a solicitation permit.**

(a) Application. An application for a solicitation permit shall be filed with the police department for each individual or non-profit group that will be soliciting in the city. The police department is hereby authorized to issue a permit to any person or non-profit group, upon proper application, to solicit orders from the citizens of the city but only upon exhibition to him of proper credentials. The application shall include the following information:

(1) Application. An application for a solicitation permit shall be filed with the police department for each individual or non-profit group that will be soliciting in the city. The police department is hereby authorized to issue a permit to any person or non-profit group, upon proper application, to solicit orders from the citizens of the city but only upon exhibition to him of proper credentials. The application shall include the following information:

Each applicant's full name, date of birth, sex, height, weight, race, color of their eyes and hair, local and permanent address and valid electronic mail address.

(2) Name and permanent address of employer or parent company.

(3) Nature of activity, including description of products involved, method of delivery and maximum of two calendar days to solicit. If not going door-to-door, address of solicitation location is required.

(4) Description and license tag number of vehicle to be used.

(5) Copy of applicant's driver license or state identification card.

(6) A statement as to whether or not the applicant has been convicted of any felony, misdemeanor (excluding traffic violations), or violation of any city ordinance, the nature of the offense and the punishment or penalty assessed therefore.

(7) Any applicant to engage in solicitations for "home solicitation sales" as defined in F.S. § 501.021(1), shall present evidence that a current permit for home solicitation sales, as required by F.S. § 501.022 has been issued by the county or the division of consumer services of the state department of agriculture and consumer services.

(8) An administrative fee as set out in Appendix B of the Longwood City Code of Ordinances for each individual or non-profit group shall accompany any application for a solicitation permit.

(9) No person under the age of 18 shall be issued a permit to solicit unless such person is operating under the supervision of an adult who also holds a current city solicitation permit and who shall be liable for any violation of this Chapter by the minor. The minor's permit shall state the name and permit number of the adult supervisor. At all times while the minor is soliciting in the city, the adult supervisor, employer or parent company of the minor shall be available for contact by telephone and telephone number shall be stated on the minor's permit.

a. A minor is operating under the supervision of an adult only if, at all times where the minor is engaged in soliciting, said minor is within the sight of a person at least 21 years of age who also holds a current city solicitation permit.

(10) If application is submitted on behalf of a non-profit group, proof of non-profit status must be included.

(b) *Review of applications.* The police department is hereby empowered to approve or deny all applications for solicitation permits. The police department has the right to interview and investigate all persons not herein exempted who are seeking a solicitation permit. The police department shall approve or deny an application within five business days of receipt by the city of the complete application and fee. The police department shall provide a written notice of the reason for denying a permit via electronic mail.

(1) Once the police department has approved a solicitation permit, the permit shall be good for a maximum of two calendar days. An applicant may apply for a solicitation permit again; however, in no case shall a solicitation permit be issued to an individual who has received a solicitation permit within the last six months from the city.

(2) The police department may deny an application for the following reasons:

a. The applicant has been convicted of, or entered a plea of guilty or nolo contendere to, a crime against the laws of this state or any other state or the United States, involving moral turpitude, fraudulent or dishonest dealing, or the illegal use or sale of a controlled substance, or has been convicted of, or entered a plea of guilty or nolo contendere to, a violation of any of the provisions of F.S. §§ 501.021—501.055.

- b. The applicant has previously obtained, attempted to obtain, or is attempting to obtain a permit by fraud, false statement, misrepresentation, or failure to truthfully answer any question in the required application.
- c. The applicant has failed to obtain required county licenses.
- d. The applicant has failed in any material respect to comply with the provisions of F.S. §§ 501.021—501.055 or this section.

Sec. 54-5. Revocation of permits.

- (a) Solicitation permits issued by the city under the provisions of this article may be revoked by the police department for any of the following causes:
  - (1) Fraud, misrepresentation, or false statement contained in the application for permit.
  - (2) Fraud, misrepresentation, or false statement contained in the course of carrying on the permit holder's business as peddler or canvasser.
  - (3) Any violation of this article.
  - (4) Conviction of any crime or misdemeanor involving moral turpitude.
  - (5) Conducting the business of soliciting in an unlawful manner, or in such manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
- (b) Notice of the revocation of a solicitation permit shall be given in writing setting forth specifically the grounds of the revocation via electronic mail.

Sec. 54-6. Appeals.

- (a) The action of the police department in the denial of an application for a permit or in the decision to revoke a permit shall be entitled to a review for denial or revocation by the City Administrator or his/her designee.

Sec. 54-7. General provisions.

- (A) Position of the city. Each solicitation permit issued by the police department shall have the following words clearly imprinted thereon:  
“The City of Longwood, Florida, does not endorse the validity, reliability, or merchantability of the product, cause, solicitation, or solicitor which this permit allows. Any and all misrepresentation or irregularity should be reported to the Police Department.”
- (B) Exhibition. Solicitation permits issued under this section shall be carried at all times by the applicant to whom issued when soliciting in the city. Solicitors shall exhibit their solicitation permit at the request of any person.
- (C) Use of permits by other persons. No solicitation permit issued under the provisions of this section shall be used or carried at any time by any person other than the one to whom issued.

Sec. 54-8. Enforcement.

(a) Any law enforcement officer who finds a person acting in violation of the provisions of this Chapter may take one or more of the following actions:

(1) If the person is in possession of permit, the officer may confiscate the permit and return it to the police department within 24 hours with written explanation of the violation.

(2) The officer may issue a verbal or written warning to the violator to cease and desist the activity that is in violation of this Chapter.

(3) The officer may require the violator to leave the city and if necessary escort the violator to the city limits.

(4) The officer may issue a notice of violation, which may be appealed by written request within 10 days of the notice of violation.

(5) In the event the violator has been cited with a violation of the provisions of the Chapter within the previous six months, or is in violation of section 54-32(d) of this Chapter, the officer may charge the violator with a 2nd degree misdemeanor and issue a notice to appear in county court or arrest the violator. If convicted of a 2nd degree misdemeanor for a violation of this Chapter, the violator may be punished with a fine of up to \$500.00 or a definite term of imprisonment not exceeding 60 days, or both.

(6) In the event the violator is a person under the age of 18, a notice of violation may be issued to such minor's adult supervisor or, if the minor does not have a current city permit, to the entity employing the services of the minor and such adult supervisor or employing entity shall be liable for the payment of the notice of violation.

(7) In the event the violator is a person under the age of 18 and no adult supervisor is immediately available, the officer may take the minor into custody until such time as the minor can be released to the minor's parent or other responsible adult.

(8) Any person to whom a notice of violation is issued shall pay the city a fine of \$50.00 for the first violation and a fine of \$100.00 for any subsequent notice of violation, within 10 days of the date of the citation, unless appealed within that time. If the violator fails to timely comply with the citation, a summons may be issued commanding the appearance before a judge of the county court and a service of process charge of \$25.00 per summons shall be assessed.

(9) If a city solicitation permit is confiscated by a law enforcement officer, the violator may, prior to the expiration of the permit, request the police department return the permit. If the police department grants the request and a citation was also issued and not appealed, the police department may condition such return upon payment of the applicable fine. If the police department denies such request, the permit shall stand revoked and the police department shall inform the permittee of such revocation pursuant to the procedures of Sec. 54-5 hereof. Such revocation may be appealed pursuant to Sec. 54-6 hereof. A notice of revocation

is not required unless the violator makes a request for return of the confiscated permit prior to its date of expiration.

(10) Any person violating the provisions of the article may also be punished as provided in section 1-13.

Secs. 54-9—54-20. - Reserved.

## ARTICLE II. CHARITABLE SOLICITATION IN THE RIGHT-OF-WAY

### Sec. 54-21. - Regulations.

The use of any traveled right-of-way in the city for the solicitation of charitable contributions is subject to the following regulation:

(1) Any use of a collector road or arterial road right-of-way for the solicitation of charitable contributions, when activities generated by such use occur between the curb to curb or shoulder to shoulder portion of the paved right-of-way, including medians therein, shall require a permit as set forth in section 54-22 and section 54-4.

(2) Any use of a collector road or arterial road right-of-way through the solicitation of charitable contributions, when such use occurs outside of the vehicular traffic lanes, but the activities generated by such use are directed primarily toward vehicles within the traffic lanes, shall require a permit as set forth in section 54-22 and section 54-4.

(3) The intersections of certain collector road and arterial road rights-of-way between the curb to curb or shoulder to shoulder portion of the paved right-of-way, including any medians therein, and traveled portions of such roads adjacent to such intersections, due to their high traffic volumes, designs and/or accident rates, are hazardous and unsafe for the mixing of pedestrian solicitation of charitable contribution usage with the primary intended use of such intersections and roads for vehicular traffic flow. Such hazardous and unsafe intersections and adjacent roads shall be designated as "hazardous and unsafe intersections" from time to time by resolution enacted by the city commission. No permits shall be issued under section 54-22 or section 54-4 for any solicitation of charitable contribution use at those intersections so designated as hazardous and unsafe in any such resolution. Further, no permit shall be issued under section 54-22 or section 54-4 to allow any solicitation of charitable contribution activity to take place within or upon those rights-of-way of the roads which constitute or create such a designated intersection when such activity would take place within 500 feet of such a designated intersection. Those hazardous and unsafe intersections designated in a "hazardous and unsafe intersection" resolution shall be chosen from intersections recommended for such designation by the Chief of Police after consideration by him of appropriate evidence justifying such recommendations. The Chief of Police periodically shall review and recommend intersections for designation as hazardous and unsafe and shall suggest additions for designation as hazardous and unsafe and shall suggest additions and deletions to those so designated based upon changes in traffic volumes, rights-of-way, designs and/or accident rates and other appropriate criteria.

(4) This article shall affect a person's or group's right to use for solicitation of charitable contribution purposes only those portions of right-of-way in the city which are regulated under authority of this article. Other applicable local, state, and federal laws and regulation regarding rights-of-way shall continue in full force and effect, including those prohibiting commercial use of rights-of-way.

(5) In order to provide for the orderly flow of traffic during normal business days, and in order to protect the health, safety, and welfare of both solicitation of charitable contribution participants and the traveling public, activities (through the solicitation of charitable contributions) shall comply with the following conditions:

a. Solicitation of charitable contribution activities shall be permitted only on Saturdays and Sundays and only between the hours published by appropriate federal government authority as those official times for sunrise and sunset.

b. Participants in solicitation of charitable contribution activities regulated hereunder shall not enter or remain in the traffic lanes of the roadway except at and within designated pedestrian crosswalks.

c. Participants in solicitation of charitable contribution activities regulated hereunder who are positioned on roadway medians or in pedestrian crosswalks shall at all times wear a safety garment such as a high visibility shirt, vest, or jacket, the color of which shall be orange, yellow, strong yellow-green (or the fluorescent versions of these colors) such garment shall comply with specifications contained in the current edition of Part IV of the Manual on Uniform Traffic Control Devices, as published by the Federal Highway Administration.

d. If any minor under the age of 18 participates in a solicitation of charitable contribution activity regulated hereunder, it is required that one adult supervisor be present at the solicitation of charitable contribution activity site for each group of three or fewer minor participants present. The presence of such an adult supervisor is required in order to supervise the movements and promote the safety of such minor participants.

e. Any participant in activity regulated hereunder who is engaged in the solicitation of charitable contributions shall display prominently a legible identification card or badge which shall show the following information:

1. A recent photograph of the participant.
2. The participant's name.
3. The name of the sponsor of the solicitation of charitable contribution activity.

The participant's name and photograph shall be permanently affixed or laminated to such card or badge. Identification provided for other purposes (vehicle operator license, state identification card, employer identification card, etc.) may be used to satisfy informational portions of this requirement. The required

identification card or badge shall be provided by the permittee to each participant.

(6) Participants in solicitation of charitable contribution activity regulated hereunder shall not block or obstruct any road, traffic lane, crosswalk, sidewalk, driveway, or property entrance in any manner or fashion which would prevent the beneficial use of such. No participant in a solicitation of charitable contribution activity regulated hereunder shall engage in any activity or behavior which may endanger the personal safety of the public or the participant.

Sec. 54-22. - Permits.

(a) In order for a person or group to conduct any activity (through the solicitation of charitable contribution) as described in section 54-21, such person or group must first obtain a solicitation permit from the Chief of Police or his designee and is subject to all rules and regulations as set forth in Article I, Chapter 54 of the Longwood City Code of Ordinances.

(b) Application for a solicitation permit shall be made on a form supplied by the Chief of Police or his designee. Every application shall be filled out completely. Failure to fully complete an application shall be grounds to refuse a permit.

(c) Each solicitation permit for the solicitation of charitable contribution activity shall be valid for not longer than two days.

(d) Each solicitation permit shall be specific as to location and dates.

(e) The fees for the issuance of solicitation permits are as set out in Appendix B.

(f) As part of the application for a solicitation permit, each application shall supply to the city such disclosure information as is required pursuant to the Solicitation of Funds Act, F.S. ch. 496. Those persons or groups which are exempted from compliance with the Solicitation of Funds Act shall state the basis of exemption as part of the application.

(g) As part of the application for a solicitation permit, the applicant shall sign a waiver of liability in favor of the city for incidents which may result from the activities conducted by the person or group under the permit.

(h) As part of the application for a solicitation permit, the applicant shall sign a hold harmless agreement in favor of the city for incidents occurring as a result of the person's or group's actions while operating under the permit.

(i) The Chief of Police shall issue a solicitation permit after a complete application is submitted. Only one such permit per intersection and adjacent roadways or any other specific area constituting a 500 lineal foot length of right-of-way shall be issued.

(j) An appeal from any applicant not issued a permit hereunder may be taken to the city commission. The city commission shall hold a hearing on the matter and render a decision constituting the final city action in the matter.

(k) The Chief of Police, or his designee, may revoke a solicitation permit upon finding a violation of any substantial or material condition or standard for issuance of such a permit or conduct of any activity thereunder. Such finding shall be made only upon hearing and after reasonable notice of such hearing has been given to the permittee.

**Sec. 54-23. - Violation; penalties.**

(a) It shall be unlawful to stage, present, or conduct any charitable solicitation activity regulated by the article without first having obtained a solicitation permit therefore as provided for herein.

(b) It shall be unlawful to knowingly participate in any charitable solicitation activity regulated by the article when a solicitation permit has not been issued for such activity.

(c) It shall be unlawful for any person in charge of, or responsible for, any duly permitted solicitation permit activity to knowingly fail to comply with any regulatory or administrative requirement or provision of this article.

(d) It shall be unlawful for any person to alter a duly signed and issued solicitation permit in any way.

(e) Any person violating the provisions of the article shall be punished as provided in section 1-13.

**Secs. 54-24—54-60. - Reserved.**

**ARTICLE III. PEDDLERS**

**Sec. 54-61. - Applicability.**

For the purposes of this article, the term "peddler" is limited to any person or persons, firm, limited liability company, corporation, association, or organization, either principal or agent, employer or employee who engages in a temporary or transient business of selling goods, wares, services, or merchandise within the City of Longwood, and who, in furtherance of such business, leases, uses or occupies any temporary structure, motor vehicle, trailer, tent, cart, or similar for the exhibition and sale of such goods, wares, or merchandise. The person, firm, limited liability company, corporation or organization so engaged shall not be relieved from the provisions of this section by reason of associating temporarily with any local dealer, trader, merchant.

**Sec. 54-62. - Prohibited activity and exemptions.**

It shall be unlawful for any peddler to engage in business activity within the municipal limits of the city, unless such peddler meets one or more of the following exemptions:

- (1) The peddler is engaged in the sale of goods or the performance of services solely on behalf of a bona-fide non-profit organization or association, organized under Section 501(c) of the Internal Revenue Code, an educational institution such as a school, or a school-sponsored organization, occurring at and with the written permission of a

business or parcel and without impairing the functionality or capacity of any parking area, fire lane, or drive aisle, and without infringing on any landscape buffers or setbacks. Peddling conducted pursuant to this exemption shall not exceed a time period of 48 hours, interrupted or non-interrupted, within any two-week period. This exemption shall be effective only as to the organization or association, its volunteers, and its direct employees, and shall not be extended to any independent contractors or for-profit entities hired, paid, or retained by the organization or association.

Peddlers seeking exemption under this section shall present proof of their 501 (c) status to the Community Development Services Department to be kept on file. The following organizations are considered exempt from providing proof of 501 (c) status to the Community Development Department:

- a. Girl Scouts of the United States of America
- b. Boy Scouts of America
- c. Camp Fire USA
- d. Non-profit sports teams or community activity organizations of which the persons soliciting are members
- e. Educational institutions
- f. School-sponsored organizations

(2) Activities by a peddler that are contained entirely within a building housing an existing, properly licensed business and includes no outdoor signage that is visible from any public street.

(3) A peddler engaged in business activity pursuant to a valid temporary use or special event permit duly issued by the City pursuant to Chapter 58 of the Longwood City Code and subject to the terms and conditions contained therein.

Qualification for one or more exemptions pursuant to this subsection shall not be construed to excuse or authorize otherwise unlawful conduct such as the conduct of peddling operations on properties without the consent of the owner or lessee of such property, trespass, disturbances of the peace, fraud, or the failure to observe and abide by any other applicable ordinance, law, or statute, including applicable sign codes and setbacks.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision of such holding shall not affect the validity of the remaining portions thereof to the extent practicable.

**SECTION 4. Conflicts and Repealer.** To the extent this Ordinance, or any provisions thereof, conflict with any previously enacted Ordinances of the City of Longwood, Florida, this ordinance shall control only to the extent any such conflict(s) exists.

SECTION 5. **Codification.** Sections 1-2 of this Ordinance shall be codified as a part of the *Code of Ordinances of the City of Longwood, Florida*, such provisions may be renumbered or re-lettered to accomplish such intention, and the word "Ordinance", or similar words, may be changed to "Section," "Article," or other appropriate word. The City Clerk is granted liberal authority to codify the provisions of this Ordinance as contemplated herein.

SECTION 6. **Effective Date.** This Ordinance shall take effect upon adoption.

FIRST READING: December 19, 2011

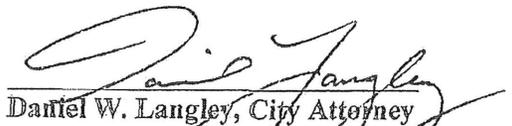
SECOND READING AND ADOPTION on this 16<sup>th</sup> day of January 2012.

CITY COMMISSION  
CITY OF LONGWOOD, FLORIDA

  
\_\_\_\_\_  
Joseph Durso, Mayor

ATTEST:  
  
\_\_\_\_\_  
Sarah M. Mirus, City Clerk

Approved as to form and legality for the use and reliance of the City of Longwood, Florida only.

  
\_\_\_\_\_  
Daniel W. Langley, City Attorney