

# City of Palm Coast, Florida Agenda Item

**Agenda Date:** November 7, 2023

<b>Department</b>	COMMUNITY DEVELOPMENT	<b>Amount</b>	
<b>Division</b>	CODE ENFORCEMENT	<b>Account #</b>	
<b>Subject:</b>	ORDINANCE 2023-XX AMENDING CHAPTER 35, NUISANCES, OFFENSES, AND MISCELLANEOUS PROVISIONS, ARTICLE III OF THE CODE OF ORDINANCES, DIVISION 2, CONCERNING DOOR-TO-DOOR SOLICITATION LICENSES		
<b>Presenter:</b>	Michael Giuliano, Local Business Tax Inspector and Barbara Grossman, Code Enforcement Manager		
<b>Attachments:</b>	<ol style="list-style-type: none"> <li>1. Ordinance</li> <li>2. License Application</li> </ol>		
<b>Background:</b>	<p><b><u>UPDATED BACKGROUND FROM THE OCTOBER 10, 2023, WORKSHOP:</u></b>            This item was heard by City Council at their October 10, 2023, City Council Workshop. The attached Ordinance has been updated to reflect the changes requested by City Council.</p> <p><b><u>ORIGINAL BACKGROUND FROM THE OCTOBER 10, 2023, WORKSHOP:</u></b>            The City of Palm Coast is granted the authority, under § 2(b)m Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law.</p> <p>The City Council desires to amend City of Palm Coast Ordinance No. 03-31, as amended by Ordinance No. 2004-14 codified as Chapter 35, <i>Nuisances, Offenses, and Miscellaneous Provisions</i>, Article III, <i>Solicitation</i>, Division 2, <i>Peddlers and Hawkers</i>, Section 35-163, <i>License Required; Application; Issuance; Term</i>, of the Code of Ordinances, City of Palm Coast, Florida ("Code") in order to update the application process, requirements and criteria for obtaining a solicitor's license necessary to conduct door-to-door solicitation within the City's jurisdictional limits.</p> <p>Section 501.022, Florida Statutes outlines the permitting process counties must follow when issuing door-to-door solicitation permits, indicates what information must be included in an application, and provides a nondiscretionary licensure process.</p> <p>Section 501.022, Florida Statutes, grants county clerks the authority to issue solicitation permits within counties but does not preempt a municipality from establishing its own permitting or licensure requirements for solicitors. See Op. Att'y Gen. Fla. 86-86 (1986).</p> <p>The City Council finds that updating the City's licensing process for door-to-door solicitation to make it consistent with the county permitting requirements as outlined in Section 501.022, Florida Statutes, will aid in establishing an efficient and uniform process of issuing solicitation licenses within the City.</p>		

There has been a recent increase in unlicensed solicitors in the City, so amending the Ordinance at this time will provide additional safety measures to our residents.

The City Council of the City of Palm Coast, Florida, hereby finds this Ordinance to be in the best interest of the public health, safety, and welfare of the citizens of Palm Coast.

**Recommended Action:**

**ADOPT ORDINANCE 2023-XX AMENDING CHAPTER 35, NUISANCES, OFFENSES, AND MISCELLANEOUS PROVISIONS, ARTICLE III OF THE CODE OF ORDINANCES, DIVISION 2, CONCERNING DOOR-TO-DOOR SOLICITATION LICENSES**