

ORDINANCE NO. : 592

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA PROHIBITING AGGRESSIVE PANHANDLING AND SETTING FORTH SPECIFIC LOCATIONS WHERE ANY TYPE OF PANHANDLING IS PROHIBITED AND SETTING FORTH THE PENALTY FOR VIOLATING SAID PROHIBITIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Port St. Joe, Florida , by Ordinance No.: 225, dated September 20, 1994, prohibited “aggressive or obstructive panhandling” within the city limits of Port St. Joe; and

WHEREAS, the City has recently received numerous complaints from residents and business owners about aggressive panhandling; and

WHEREAS, the City Commission after consultation with the Police Chief and City Attorney has determined that the City’s current Panhandling Ordinance (No. 225) is in need of being updated to be more effective; and

WHEREAS, it is the intent of the City Commission to:

1. Recognize and not burden the constitutional right of a person to solicit, panhandle or beg in a peaceful and non-threatening manner; and
2. Acknowledge the increase in aggressive panhandling and begging throughout the City of Port St. Joe that has become disturbing and disruptive to residents, businesses and visitors; and
3. Provide reasonable restrictions to protect the health, safety and welfare of citizens and visitors to the City; and
4. Prohibit “aggressive panhandling” and to enforce distanced-based regulations that prohibit panhandling in certain areas where citizens have a limited ability to avoid or forestall panhandling, such as at downtown sidewalks, ATM’s and schools; and

NOW THEREFORE, be it enacted by the people of the City of Port St. Joe, Florida as follows:

1. DEFINITIONS.

Aggressive Panhandling: To approach or speak to a person in order to demand, request, or beg for money or a donation of valuable property in a way that would cause a reasonable person to believe they are being threatened with imminent bodily injury or that a crime is going to be committed upon themselves, someone in their company, or property in their possession. This also includes:

- a. A panhandler placing themselves within 2 feet of a solicited person and/or using abusive or profane language in a loud voice; and
- b. Maintaining contact with a solicited person by walking in front of, next to, or behind them while continuing to demand, request, or beg for money or a donation of valuable property after the solicited person has refused or said “no”; and
- c. Obstructing, blocking, or impeding the passage or free movement of a solicited person or someone in their company by walking, standing, sitting, laying or placing an object in their path that would require them to take invasive action. This includes, but is not limited to, persons traveling on foot, bicycle, wheelchair, golf cart, operating a motor vehicle or getting in or out of a motor vehicle; and
- d. Touching or making physical contact with a solicited person or someone in their company or to touch their vehicle without their consent; and
- e. Engaging in behavior intended to intimidate, compel, or force a solicited person to give in to the panhandler’s demands.

Locations where any kind of panhandling is prohibited:

- a. Within 20 feet in any direction from any entrance or exit of any commercially zoned property; and
- b. Within 20 feet in any direction from any entrance or exit of any bus or trolley stop or any public transportation facility; and
- c. Within 20 feet in any direction from any ATM or any electronic information device that accepts or dispenses cash in connection with an account with a financial institution; and
- d. Within 20 feet in any direction of any parking lot, garage, meter, or pay station owned or operated by the City; and

- e. Within 20 feet in any direction of any public restroom owned and operated by a governmental agency; and
- f. Within 100 feet in any direction of any daycare or school, including pre-kindergarten through grade 12; and
- g. Within 150 feet of any intersection or arterial roads, collector roads and arterial and collector roads; and
- h. Any outdoor dining area; and
- i. Any outdoor merchandise area; and
- j. Any transit stop; and
- k. By approaching the operator or occupant of a motor vehicle; and
- l. by approaching a person waiting in line to be admitted tom a commercial establishment; and
- m. In any area after dark or under the influence of drugs and/or alcohol.

2. **AUTHORITY.** The City of Port St. Joe has authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

3. **VIOLATION.** Any person committing any of the acts above defined shall be in violation of this Ordinance and guilty of a criminal infraction.

4. **PENALTIES.** The First violation of this ordinance shall be punishable by not more than a fine of \$100.00 plus administrative and court costs and 30 days incarceration; second and subsequent violations shall be punishable by not more than a fine of \$200.00 plus administrative and court costs and 60 days incarceration.

5. **ENFORCEMENT.** This Ordinance will be enforced by the Port St. Joe, Police Department and the Gulf County Clerk of the Circuit Court via Chapter 28.2402 Florida Statutes.

6. **SEVERABILITY:** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

7. **REPEAL:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

8. **EFFECTIVE DATE:** This ordinance shall become effective upon adoption.

THIS ORDINANCE ADOPTED this 7th day of September, 2021.

**BOARD OF CITY COMMISSIONERS
PORT ST. JOE, FLORIDA**



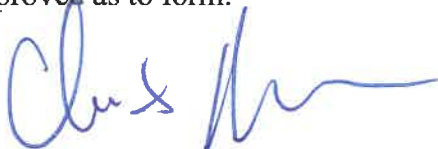
REX BUZZETT
MAYOR-COMMISSIONER

ATTEST:



CHARLOTTE M. PIERCE
CITY CLERK

Approved as to form:



Clinton T. McCahill, City Attorney