

**Leon County**  
**Board of County Commissioners**  
**Notes for Agenda Item #18**

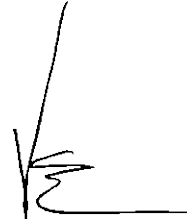
# Leon County Board of County Commissioners

## Agenda Item #18

April 9, 2024

**To:** Honorable Chair and Members of the Board

**From:** Vincent S. Long, County Administrator



**Title:** First and Only Public Hearing to Consider Adopting an Ordinance Repealing Chapter 11, Article VI of the Leon County Code of Ordinances, entitled “Peddlers”

<b>Review and Approval:</b>	Vincent S. Long, County Administrator Chasity O’Steen, County Attorney
<b>Department/ Division Review:</b>	Ken Morris, Assistant County Administrator
<b>Lead Staff/ Project Team:</b>	Miranda Hernandez, Management Analyst

### **Statement of Issue:**

This item requests the Board conduct the first and only public hearing to consider adopting an Ordinance repealing Chapter 11, Article VI of the Leon County Code of Ordinances, entitled “Peddlers.” The Ordinance was adopted in 1980 to provide a process by which an individual can obtain a permit through the Leon County Sheriff’s Office to engage in certain solicitation activities.

### **Fiscal Impact:**

This item has no fiscal impact.

### **Staff Recommendation:**

Option #1: Conduct the first and only public hearing and adopt the proposed Ordinance repealing Chapter 11, Article VI of the Leon County Code of Ordinances, entitled “Peddlers” (Attachment #1).

## **Report and Discussion**

### **Background:**

This item requests the Board conduct the first and only public hearing to consider adopting the proposed Ordinance repealing Chapter 11, Article VI of the Leon County Code of Ordinances, entitled “Peddlers” (Peddlers Ordinance).

On March 19, 2024, the Board approved the request to schedule a public hearing to consider the repeal of the Peddlers Ordinance. The Peddlers Ordinance (Attachment #2) was adopted in 1980 to provide a process by which an individual can obtain a permit through the Leon County Sheriff’s Office (LCSO) to engage in certain solicitation activities. Given that the Peddlers Ordinance has not been used in recent years, and the Board’s recent adoption of an ordinance prohibiting unauthorized solicitation on private property, this item recommends the repeal of the Peddlers Ordinance.

On February 20, 2024, the Board adopted an ordinance entitled “Prohibition of Unauthorized Solicitation on Private Property” (Private Property Ordinance). Under the Private Property Ordinance (Attachment #3) it is unlawful to solicit on any private property on which the required sign is clearly and prominently displayed to the public unless an authorized person provides express written consent for solicitation to occur on the property. An “authorized person” is a “property owner, managing and authorizing agent, lessee/tenant, or person otherwise in charge of the private property.” The term “solicit” is defined as “the act of requesting in person from another person something of value, whether tangible or intangible, by using words, body gestures, signs or other means” and includes, but is not limited to, requests for “support of any kind, money, donations of any kind, or some other action, article, or material of value.” The term “solicit” expressly does not include signature gathering, voter registration requests, or support or advocacy of public issues or candidates. Any person who violates the Private Property Ordinance is subject to prosecution in the manner of a misdemeanor, punishable by a fine not to exceed \$500.00 or by imprisonment in the county detention center not to exceed 60 days or both.

While developing the Private Property Ordinance, the Peddlers Ordinance was identified to be brought back to the Board for consideration and potential repeal. Under the Peddlers Ordinance, it is unlawful for any person to peddle for sale any goods, wares, or merchandize of a per item cost of \$25 or less, or to solicit, sell, or offer to sell subscription contracts of a per item cost of \$25 or less for any magazine, newspaper, book or periodical within the County without first securing a permit. The Peddlers Ordinance defines “peddle” or “solicit” to mean “an offer to sell goods, services or merchandise by the following method: door-to-door contact in private residences, apartments or rooms, hotels or lodging places within the territorial boundaries of the county.” Organizations organized and operated for religious, charitable, scientific, testing for public safety, literary, or educational purposes or for the prevention of cruelty to children or animals, when no private shareholder or individual benefits financially, are exempt from the Peddlers Ordinance. Permits are approved by written application to, and at the discretion of, the LCSO after a seven-day waiting period. The Board previously established a \$8.00 application fee. Permits are valid for 90 days, subject to renewal if requested within five (5) days following the expiration of the permit.

Given the Board's adoption of the Private Property Ordinance and the infrequency of use of the Peddlers Ordinance, this item recommends the repeal of the Peddlers Ordinance.

**Analysis:**

The State regulates home solicitation sales for items worth in excess of \$25.00, inclusive of all interest, service charges, finance charges, postage, freight, insurance, and service or handling charges in certain circumstances. The term "home solicitation sales" is defined in section 501.021, Florida Statutes (Attachment #4), to apply to the sale, lease, or rental of consumer goods or services when the seller or a person acting for him or her engages in a personal solicitation of the sale, lease, or rental at a place other than at the seller's fixed location business establishment. Unless exempted from the statute, it is unlawful for any person to conduct any home solicitation sale without first obtaining a home solicitation sale permit pursuant to section 501.022, Florida Statutes (Attachment #5). Applicants for these permits submit a sworn application to the Clerk of Court (Clerk) and pay the fee established by the Clerk imposed to offset the administrative cost associated with the permitting procedure. The Clerk then provides the fingerprints taken by an authorized law enforcement agency and provided by the applicant to the Florida Department of Law Enforcement (FDLE) for state processing, and a copy of the application is provided to LCSO for a local criminal background investigation. The FDLE and LCSO provide the results of such background check and investigation to the Clerk within sixty (60) days of submittal, and the Clerk may revoke, suspend, or deny a permit for any of the reasons enumerated in the statute. If the FDLE background check and LCSO investigation reveal no grounds for denial of a permit, the Clerk issues a home solicitation sales permit for a period of one (1) year from the date of issuance unless earlier revoked. Anyone obtaining such a permit is required to carry the permit and certificate at all times while engaging in home solicitation sales and display the permit and certificate to prospective buyers before initiating the solicitation of a sale, lease, or rental. The Attorney General or the State Attorney may enjoin any person who violates these requirements, and any such person is also guilty of a misdemeanor as provided in section 501.055, Florida Statutes (Attachment #6).

Leon County adopted the Peddlers Ordinance in 1980 as a public safety measure to provide a registry and permitting process for door-to-door solicitors for the sale of goods, wares, or merchandise of a per item cost of \$25.00 or less or for the sale or offer of subscription contracts of a per item cost of \$25.00 or less, which covers home solicitation sales when the amount of the item for sale, lease, or rental is less than the value of the item regulated by state law. However, the permit process provided for in the Peddlers Ordinance has not been frequently utilized, with the LCSO reporting that there has not been an application filed for a permit in recent years. Moreover, the Board recently adopted the Private Property Ordinance, which makes it unlawful to solicit on any private property on which the required sign is clearly and prominently displayed to the public unless an authorized person provides express written consent for solicitation to occur on the property. Private property owners, including those at private residences, apartments or rooms, and hotels or lodging places, who do not want to be solicited can now post the required signage to prohibit solicitations on their private property. Accordingly, it is recommended that the Board repeal Chapter 11, Article VI of the Leon County Code of Ordinances, entitled "Peddlers."

Title: First and Only Public Hearing to Consider Adopting an Ordinance Repealing Chapter 11,  
Article VI of the Leon County Code of Ordinances, entitled “Peddlers”  
April 9, 2024  
Page 4

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This public hearing has been noticed and advertised in accordance with Florida Statutes (Attachment #7).

**Options:**

1. Conduct the first and only public hearing and adopt the proposed Ordinance repealing Chapter 11, Article VI of the Leon County Code of Ordinances, entitled “Peddlers.”
2. Board direction.

**Recommendation:**

Option #1

**Attachments:**

1. Ordinance to Repeal Chapter 11, Article VI of the Leon County Code of Ordinances entitled, “Peddlers”
2. Chapter 11, Article VI of the Leon County Code of Ordinances entitled, “Peddlers”
3. Ordinance No. 24-02 - Prohibiting Unauthorized Solicitation on Private Property
4. 501.021, Florida Statutes
5. 501.022, Florida Statutes
6. 501.055, Florida Statutes
7. Notice of Public Hearing

**LEON COUNTY ORDINANCE NO.**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, REPEALING CHAPTER 11, ARTICLE VI OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; ENTITLED “PEDDLERS”; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

WHEREAS, in 1980, the Board of County Commissioners enacted Chapter 11, Article VI of the Leon County Code of Ordinances, entitled “Peddlers”; and

WHEREAS, the Board of County Commissioners has determined that Chapter 11, Article VI of the Leon County Code of Laws, is now outdated; and

WHEREAS, the Board of County Commissioners has adopted Leon County Ordinance No. 2024-02, “Prohibition of Unauthorized Solicitation on Private Property”, and constituents who do not want to be solicited may now post the required signage to prohibit solicitations on their private property; and

WHEREAS, the Board of County Commissioners desires to repeal Chapter 11, Article VI of the Leon County Code of Laws;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

**Section 1. Amendments to Code.**

The Code of Laws of Leon County, Florida, is hereby amended by repealing Chapter 11, Article VI as appropriate.

**Section 2. Conflicts.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

**Section 3. Severability.**

If any word, phrase, clause, section, or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**Section 4. Effective Date.**

This ordinance shall take effect upon being filed with the Florida Department of State.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County,  
Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

LEON COUNTY, FLORIDA

By: \_\_\_\_\_  
Carolyn D. Cummings, Chair  
Board of County Commissioners

ATTESTED BY:  
Gwendolyn Marshall Knight, Clerk of  
Court & Comptroller, Leon County, Florida

By: \_\_\_\_\_

APPROVED AS TO FORM:  
Chasity H. O'Steen, County Attorney  
Leon County Attorney's Office

By: \_\_\_\_\_

## ARTICLE VI. - PEDDLERS

## DIVISION 1. - GENERALLY

## Sec. 11-147. - Definitions, exemptions.

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

*Peddle* or *solicit* means an offer to sell goods, services or merchandise by the following method: door-to-door contact in private residences, apartments or rooms, hotels or lodging places within the territorial boundaries of the county.

- (b) Any person peddling or soliciting under the terms of this article who holds a valid current license from a state agency authorizing such peddling or soliciting and which state agency regulates any person so licensed by it, is hereby excepted from the provisions of this article.

(Code 1980, § 17-1; Code 1992, § 11-251)

## Sec. 11-148. - Penalty.

Any person violating the provisions of this article shall be punished as provided in section 1-9.

(Code 1980, § 17-10; Code 1992, § 11-252)

## Secs. 11-149—11-179. - Reserved.

## DIVISION 2. - PERMIT

## Sec. 11-180. - Required.

- (a) It shall be unlawful for any person to peddle for sale any goods, wares or merchandise of a per item cost of \$25.00 or less or to solicit orders therefor, or to solicit or sell or offer to sell subscription contracts of a per item cost of \$25.00 or less for any magazine, newspaper, book or periodical within the territorial boundaries of the county without first securing a permit from the Board of County Commissioners as provided in this article.
- (b) Any organization, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes or for the prevention of cruelty to children or animals, no part of the earnings of which inures to the benefit of any private shareholder or individual, shall be exempt from the provisions of this article.



(Code 1980, § 17-1(1), (3); Code 1992, § 11-261)

Sec. 11-181. - Application.

- (a) In order to procure a permit under this article, the applicant shall file with the sheriff or his duly appointed designee, to whom this authority is hereby delegated, a written application signed by the applicant and sworn to by him before an officer authorized to administer oaths under the laws of the state.
- (b) Prior to the issuance of a permit to any person under the age of 18 years, such person shall file with the county a notarized statement by such person's parent or legal guardian evidencing the parent or guardian's consent to the applicant's application for permit.

(Code 1980, §§ 17-2(2), 17-3; Code 1992, § 11-262; Ord. No. 95-01, § I, 2-28-1995; Ord. No. 99-18, § 1, 6-15-1999)

Sec. 11-182. - Approval.

If the sheriff or designee shall be satisfied from the application file and from other evidence presented that the statements contained in the application under this article are true; and that the applicant is a bona fide agent in good standing or a reputable person engaged in the business of selling or distributing any such goods, wares, merchandise, magazine, newspaper, periodical, or book; then the sheriff or designee shall issue such permit, except that no such permit shall be issued to any agent or employee until a letter verifying such agency or employee relationship is received by U.S. mail directly from the principal or employer of the application and the sheriff or designee is satisfied that the information furnished by the applicant is otherwise acceptable. No permit shall be issued to any applicant until the expiration of the period of seven days from the date the application is filed. A fee in an amount to be determined by the Board of County Commissioners shall be paid by the applicant at the time his application for a permit is filed which sum shall be used to defray the expenses incurred in the administration of this article and which shall be required to be furnished by the applicant.

(Code 1980, § 17-4; Code 1992, § 11-263; Ord. No. 95-01, § II, 2-28-1995; Ord. No. 99-18, § 1, 6-15-1999)

Sec. 11-183. - Denial.

The sheriff or designee shall refuse a permit when in his opinion the granting of such permit would be detrimental to the life or safety of any person, being or residing within the territorial boundaries of the county, or otherwise not in the best interest of the citizens of the county.

(Code 1980, § 17-5; Code 1992, § 11-264; Ord. No. 95-01, § III, 2-28-1995; Ord. No. 99-18, § 1, 6-15-1999)

Sec. 11-184. - Signing; term.

All permits issued pursuant to this article shall be dated and signed by the sheriff or designee and shall be valid during the times specified, not to exceed 90 days after date of issuance.

(Code 1980, § 17-6; Code 1992, § 11-265; Ord. No. 95-01, § IV, 2-28-1995; Ord. No. 99-18, § 1, 6-15-1999)

Sec. 11-185. - Transfer.

Permits required by this article shall be issued for the person making application only and shall not be transferable to any other person.

(Code 1980, § 17-7; Code 1992, § 11-266)

Sec. 11-186. - Renewal.

Upon the expiration of any permit issued under this article, application may be made for another permit which may be granted upon the fulfillment by the applicant of the conditions herein specified; provided, however, that the holder of any such permit may have the same validated for an additional term of 90 days upon the holder presenting said permit in person within five days following the date of the expiration of said permit.

(Code 1980, § 17-8; Code 1992, § 11-267)

Sec. 11-187. - Permit revocation.

A permit issued under this article may be revoked at any time by order of the chairman of the Board of County Commissioners for cause shown after the holder of such permit shall be given an opportunity to be heard.

(Code 1980, § 17-9; Code 1992, § 11-268)

Secs. 11-188—11-212. - Reserved.

**LEON COUNTY ORDINANCE NO. 2024-02**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 12 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA BY ADOPTING ARTICLE IV TO BE ENTITLED PROHIBITION OF UNAUTHORIZED SOLICITATION ON PRIVATE PROPERTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

WHEREAS, the local business community, including local private property owners and business owners and operators, has expressed concern regarding the frequency of unauthorized solicitations from people on their private property; and

WHEREAS, the Board of County Commissioners desires to amend Chapter 12 of the Leon County Code of Laws, by enacting a new Article IV entitled, "Prohibition of Unauthorized Solicitation on Private Property";

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

**Section 1. Amendments to Code, Chapter 12.**

Chapter 12 of the Code of Laws of Leon County, Florida is hereby amended by adopting Article IV, to read as follows:

**ARTICLE IV. PROHIBITION OF UNAUTHORIZED SOLICITATION ON PRIVATE PROPERTY**

**Sec. 12-80. Purpose and Intent.**

This article is enacted to protect, preserve, and promote the health, safety, welfare, and peace of the citizens of the county by prohibiting the intolerable threat to private property rights, including the right to exclude and to be free from trespass of unauthorized solicitation on private property. It is the intent of this article to protect such private property rights. This article is intended to apply uniformly to all persons who engage in the activities proscribed herein.

**Sec. 12-81. Definitions.**

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

1 (1) *Authorized Person*: property owner, managing and authorizing agent, lessee/tenant,  
2 or person otherwise in charge of the private property.

3  
4 (2) *Solicit*: the act of requesting in person from another person something of value,  
5 whether tangible or intangible, by using words, body gestures, signs, or other means. The term  
6 solicit may include, but not be limited to, requests for: support of any kind, money, donations  
7 of any kind, or some other action, article, or material of value. Solicit does not include signature  
8 gathering, voter registration requests, or support or advocacy of public issues or candidates.  
9

## 10 **Sec. 12-82 Prohibited Conduct.**

11  
12 (1) It shall be unlawful and a violation of this article for any person to solicit on any  
13 private property on which a sign is displayed, as described in Sec. 12-83, without the express  
14 written permission of the Authorized Person for the private property.  
15

16 (2) If a sign is displayed on a private property as described and provided in Sec. 12-  
17 83, and a person has solicited on said private property without the express written permission  
18 of an Authorized Person, then it shall be presumed that such person is soliciting in violation of  
19 this article.  
20

21 (3) To be in compliance with this article, the person soliciting shall maintain the  
22 express written permission of an Authorized Person for that property on their person while on  
23 the private property and shall provide such express written permission upon demand. The form  
24 of the express written permission of an Authorized Person shall include, but not be limited to,  
25 the following:  
26

27 a. The full name of the person soliciting;

28 b. The full name, telephone number, and signature of the Authorized  
29 Person;

30 c. The type of solicitation that the person is authorized to engage in while  
31 on the private property; and

32 d. The date on which the Authorized Person signed, and the beginning and  
33 end dates for which the permission to solicit applies.

## 34 **Sec. 12-83 Signage.**

35  
36 For an Authorized Person to invoke the protections of this article for their private property, they  
37 must post a sign that meets the following criteria:  
38

39 (1) The sign must state “NO SOLICITING,” “NO SOLICITATION,” or “NO  
40 SOLICITORS” and “according to SEC. 12-82, LEON COUNTY CODE OF LAWS.”  
41

42 (2) Be clearly and prominently displayed to the public in a place where persons  
43 entering or exiting the building or private property can see and read it.

1  
2 **Sec. 12-84 Enforcement.**  
3

4 Law enforcement officers may enforce the provisions of this article against any person found  
5 in violation of these provisions within their jurisdiction.  
6

7 **Sec. 12-85 Penalty.**  
8

9 Any violation by any person of any provision of this article shall be prosecuted in the same  
10 manner as misdemeanors are prosecuted. Upon conviction, any person violating any provision of this  
11 article shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county detention  
12 center not to exceed 60 days or by both such fine and imprisonment as provided in F.S. § 125.69, as it  
13 may be amended, or as provided in section 1-9.  
14

15 **Sec. 12-86 Applicability.**  
16

17 This ordinance shall apply to and be effective countywide in the unincorporated and  
18 incorporated areas of Leon County; provided, however, that a municipal ordinance shall prevail over  
19 any provisions of this article to the extent of any conflict within the boundaries of the municipality. To  
20 the extent that a municipal ordinance covers the same subject matter as the provisions of this article  
21 without conflict, then both the municipal ordinance and this article shall be effective, each being  
22 deemed supplemental to the other.  
23

24 **Section 2. Conflicts.**  
25

26 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby  
27 repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon  
28 County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this  
29 ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.  
30

31 **Section 3. Severability.**  
32

33 If any word, phrase, clause, section, or portion of this ordinance is declared by any court of  
34 competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and  
35 portions of this ordinance shall remain in full force and effect.  
36

37 **Section 4. Effective Date.**  
38

39 This ordinance shall have effect upon becoming law.

1 DONE, ADOPTED AND PASSED by the Board of County Commissioners of Leon County,  
2 Florida, this 20th day of February, 2024.  
3

4 LEON COUNTY, FLORIDA

5 DocuSigned by:

6 *Carolyn D. Cummings*

7 By: \_\_\_\_\_

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8 Carolyn D. Cummings, Chair  
9 Board of County Commissioners  
10

11 ATTESTED BY:

12 Gwendolyn Marshall Knight, Clerk of  
13 Court & Comptroller, Leon County, Florida  
14

15 DocuSigned by:

16 By: *Gwendolyn Marshall Knight*

17 178D7F95C3774F4...

18 DS



19 APPROVED AS TO FORM:

20 Chasity H. O'Steen, County Attorney  
21 Leon County Attorney's Office  
22

23 DocuSigned by:

24 By: *Chasity H. O'Steen*

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Select Year: 2023 ▼ Go

## The 2023 Florida Statutes (including Special Session C)

[Title XXXIII](#)  
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND  
SOLICITATIONS

[Chapter 501](#)  
CONSUMER  
PROTECTION

[View Entire  
Chapter](#)

### **501.021 Home solicitation sale; definitions.—**As used in ss. [501.021](#)-[501.055](#):

(1) “Home solicitation sale” means a sale, lease, or rental of consumer goods or services with a purchase price in excess of \$25 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, in which:

(a) The seller or a person acting for him or her engages in a personal solicitation of the sale, lease, or rental at a place other than at the seller’s fixed location business establishment where goods or services are offered or exhibited for sale, lease, or rental, and

(b) The buyer’s agreement or offer to purchase is given to the seller and the sale, lease, or rental is consummated at a place other than at the seller’s fixed location business establishment,

including a transaction unsolicited by the consumer and consummated by telephone and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services. It does not include a sale, lease, or rental made at any fair or similar commercial exhibit or a sale, lease, or rental that results from a request for specific goods or services by the purchaser or lessee or a sale made by a motor vehicle dealer licensed under s. [320.27](#) which occurs at a location or facility open to the general public or to a designated group.

(2) “Business day” means any calendar day except Sunday or a federal holiday.

(3) “Future delivery” means delivery more than 3 business days after the buyer signs an agreement or offer to purchase.

**History.**—ss. 1, 4, ch. 70-363; s. 1, ch. 71-65; s. 1, ch. 77-350; s. 1, ch. 86-144; s. 1, ch. 87-344; s. 610, ch. 97-103; s. 10, ch. 97-250.

Select Year: 2023 ▼ Go

## The 2023 Florida Statutes (including Special Session C)

Title XXXIII  
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND  
SOLICITATIONS

Chapter 501  
CONSUMER  
PROTECTION

[View Entire  
Chapter](#)

### **501.022 Home solicitation sale; permit required.—**

(1)(a) It is unlawful for any person to conduct any home solicitation sale, as defined in s. 501.021, or to supervise excluded minors conducting such sales provided in subparagraph (b)5., in this state without first obtaining a valid home solicitation sale permit as provided in this section.

(b) The following are excluded from the operation of this section:

1. Bona fide agents, business representatives, or salespersons making calls or soliciting orders at the usual place of business of a customer regarding products or services for use in connection with the customer's business.
2. Solicitors, salespersons, or agents making a call or business visit upon the express invitation, oral or written, of an inhabitant of the premises or her or his agent.
3. Telephone solicitors, salespersons, or agents making calls which involve transactions that are unsolicited by the consumer and consummated by telephone and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services.
4. Solicitors, salespersons, or agents conducting a sale, lease, or rental of consumer goods or services by sample, catalog, or brochure for future delivery.
5. Minors, as defined in s. 1.01(13), conducting home solicitation sales under the supervision of an adult supervisor who holds a valid home solicitation sale permit. Minors excluded from operation of this section must, however, carry personal identification which includes their full name, date of birth, residence address, and employer and the name and permit number of their adult supervisor.
6. Those sellers or their representatives that are currently regulated as to the sale of goods and services by chapter 475 or chapter 497.
7. Solicitors, salespersons, or agents making calls or soliciting orders on behalf of a religious, charitable, scientific, educational, or veterans' institution or organization holding a sales tax exemption certificate under s. 212.08(7).

(2) Applicants for permits shall file sworn applications in writing with the clerk of the circuit court for the county in which applicants intend to conduct home solicitation sales. The clerk of the circuit court for the county is authorized to impose a reasonable permit fee sufficient to offset the administrative costs associated with the permitting procedure. Each application shall be on a form as required by the clerk of the circuit court for the county receiving the application, but shall contain the following as a minimum:

- (a) Full name of applicant.
- (b) Date of birth of applicant.
- (c) Race and sex of applicant.
- (d) Permanent residence address of applicant.
- (e) Local residence address of applicant.
- (f) Name and address of applicant's employer.
- (g) Two recent color photographs of applicant.
- (h) A statement as to whether or not the applicant has been convicted of or has pleaded guilty or nolo contendere to any crime, the nature of the offense, and the punishment or penalty assessed therefor.



(i) A complete set of fingerprints taken by an authorized law enforcement agency.

(3) Upon receipt of a sworn application for a home solicitation sale permit, the clerk of the circuit court for the county shall submit the fingerprints to the Department of Law Enforcement for state processing and a copy of the application to the sheriff for a local criminal background investigation. Both the Department of Law Enforcement and the sheriff shall report any criminal justice information to the clerk of the circuit court for the county within 60 days after receipt of the fingerprints and copy of application.

(4) A clerk of the circuit court for the county may revoke, suspend, or deny the issuance of any home solicitation sale permit if it is determined that an applicant or permitholder has:

(a) 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 been convicted of, or entered a plea of guilty or nolo contendere to, a violation of any of the provisions of ss. [501.021-501.055](#).

(b) Has obtained a permit by fraud, false statement, misrepresentation, or failure to truthfully answer any question in the required permit application.

(c) Has failed to obtain required county or municipal occupational licenses.

(d) Has failed in any material respect to comply with the provisions of ss. [501.021-501.055](#).

(5) Whenever any person, after applying for or receiving a home solicitation sale permit, moves from the address named in such application or in the permit issued to her or him or when the name of a permitholder is changed by marriage or otherwise, such person shall within 15 days thereafter notify the issuing clerk of the circuit court for the county in writing of her or his old and new addresses or of which former and new names and of the number of her or his permit.

(6) The issuing clerk of the circuit court for the county shall notify each applicant or permitholder of a decision to deny, suspend, or revoke a permit by certified mail sent to any one of the last addresses submitted by the applicant or permitholder.

(7) If the investigation provided for in subsection (3) reveals no grounds for denial of a home solicitation sale permit, the clerk of the circuit court for the county shall issue a home solicitation sale permit in the form of a laminated identification card which shall bear the photograph of the permitholder; the permitholder's full name, date of birth, race, and sex; the name and address of the permitholder's employer or the statement "self-employed"; the signature of the permitholder; a permit number; an expiration date; and a telephone number of the issuing clerk's office which consumers may call to verify the validity of the permit. A permit issued hereunder shall be valid for a period of 1 year from the date of issuance unless earlier revoked as provided for in this section.

(8) Every permitholder shall carry the permit and certificate required by this section at all times while engaged in home solicitation sales and shall display the same to all prospective buyers before initiating the solicitation of a sale, lease, or rental.

**History.**—s. 2, ch. 86-144; s. 2, ch. 87-344; s. 113, ch. 93-399; s. 611, ch. 97-103; s. 11, ch. 97-250; s. 44, ch. 2000-154; s. 145, ch. 2004-301; s. 138, ch. 2008-4.

Select Year: 2023 ▼ Go

## The 2023 Florida Statutes (including Special Session C)

[Title XXXIII](#)  
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND  
SOLICITATIONS

[Chapter 501](#)  
CONSUMER  
PROTECTION

[View Entire  
Chapter](#)

### **501.055 Home solicitation sale; penalties.—**

(1) Violation of any of the provisions of ss. [501.025-501.047](#) is a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(2) Any person who conducts or attempts to conduct a home solicitation sale without first obtaining and having in her or his possession a valid, current permit as required by s. [501.022](#) or who uses or attempts to use an expired, suspended, or revoked home solicitation sale permit in a home solicitation sale is guilty of a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#). Upon second or subsequent conviction for violation of this subsection, the offender is guilty of a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

(3) Any person who uses a false or fictitious name in any application for a home solicitation sale permit or certificate as provided for in s. [501.022](#) or who makes a false statement, conceals a material fact, or otherwise commits a fraud in any such application is guilty of a misdemeanor of the first degree, punishable as provided in s. [775.082](#) or s. [775.083](#). Upon a second or subsequent conviction for violation of this subsection, the offender is guilty of a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#). The obtaining of two or more permits which are in different names or the possession of two or more such permits shall be prima facie evidence that this subsection has been violated.

**History.**—s. 8, ch. 70-363; s. 457, ch. 71-136; s. 5, ch. 86-144; s. 4, ch. 87-344; s. 122, ch. 91-224; s. 615, ch. 97-103.

## Public Notices

Originally published at [tallahassee.com](https://tallahassee.com) on 03/29/2024

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### NOTICE OF PUBLIC HEARING

#### NOTICE OF AMENDMENT TO CHAPTER 11 OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA

Notice is hereby given that the Board of County Commissioners of Leon County, Florida, will conduct a public hearing on Tuesday, April 9, 2024, at 6:00 p.m., or as soon thereafter as such matter may be heard, in the County Commission Chambers, 5th Floor, Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida, to consider adoption of an ordinance entitled to wit:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, REPEALING CHAPTER 11, ARTICLE VI OF THE CODE OF LAWS OF LEON COUNTY, FLORIDA; ENTITLED "PEDDLERS"; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

Leon County will also broadcast the public hearing on Comcast channel 16, the Leon County Florida channel on Roku, and the County's Facebook page (<https://www.facebook.com/LeonCountyFL/>), YouTube channel (<https://www.youtube.com/user/LeonCountyFL>), and web site ([www.LeonCountyFL.gov](http://www.LeonCountyFL.gov)). All interested parties are invited to present their comments at the public hearing at the time and place set out above.

Interested parties may also provide virtual real-time public comments during the public hearing. After the Board of County Commissioner's agenda is posted online, interested parties wishing to provide virtual real-time public comments must complete and submit the registration form provided at <https://www2.leoncountyfl.gov/coadmin/agenda/> by 8:00 p.m. on Monday, April 8, 2024. Following submittal of the registration form, further instructions for participating in the meeting will be provided. Persons needing assistance with registering or providing real-time comments may contact County Administration via telephone at (850) 606-5300. Please note that Board of County Commissioners Policy 01-05, Article IX., Section E., entitled "Addressing the Board," and Article IX., Section F., entitled "Decorum," shall remain in full force and effect.

Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding

should contact, on behalf of the Chair, Mathieu Cavell at Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301 or [CMR@leoncountyfl.gov](mailto:CMR@leoncountyfl.gov), by <sup>Attachment #7</sup> ~~Written~~ request at least 48 hours prior to the proceeding. Telephone: (850) 606-5300, 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.

Copies of the Ordinance may be inspected as part of the agenda package on the County's website (<https://www2.leoncountyfl.gov/coadmin/agenda/>). To receive copies of the Ordinance by other means, such as email, mail, or facsimile transmittal, contact County Administration at (850) 606- 5300.

Publication: 3/29/24



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## PROOF OF PUBLICATION

Beryl H Wood  
Board Of County Commissioners  
1800 N Blair Stone RD # 3  
Tallahassee FL 32308-2303

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Tallahassee Democrat, a newspaper published in Tallahassee in Leon County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Leon County, Florida, or in a newspaper by print in the issues of, on:

03/29/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 03/29/2024

Legal Clerk

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NOTICE OF PUBLIC HEARING  
NOTICE OF AMENDMENT TO  
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Anyone wishing to appeal the action of the Board with regard to this matter will need a record of the proceedings and should ensure that a verbatim record is made. Such record should include the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, Florida Statutes.  
In accordance with the Americans with Disabilities Act and Section 286.28, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact, on behalf of the Chair, Mathieu Cavell at Leon County Courthouse, 301 South Monroe Street, Tallahassee, Florida 32301 or [CMR@leoncountvfl.gov](mailto:CMR@leoncountvfl.gov), by written request at least 48 hours prior to the proceeding. Telephone: (850) 606-5300, 1-800-955-8771 (TTY), 1-800-955-8770 (Voice), or 711 via Florida Relay Service.  
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