

1 LEON COUNTY ORDINANCE NO.

2
3 AN ORDINANCE OF THE BOARD OF COUNTY
4 COMMISSIONERS OF LEON COUNTY, FLORIDA,
5 AMENDING CHAPTER 12 OF THE CODE OF LAWS OF LEON
6 COUNTY, FLORIDA BY ADOPTING ARTICLE IV TO BE
7 ENTITLED PROHIBITION OF UNAUTHORIZED
8 SOLICITATION ON PRIVATE PROPERTY; PROVIDING FOR
9 CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING
10 FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE
11 DATE.

12
13
14 RECITALS

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

19
20 WHEREAS, the Board of County Commissioners desires to amend Chapter 12 of the Leon
21 County Code of Laws, by enacting a new Article IV entitled, "Prohibition of Unauthorized Solicitation
22 on Private Property";

23
24 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON
25 COUNTY, FLORIDA, that:

26
27 Section 1. Amendments to Code, Chapter 12.

28
29 Chapter 12 of the Code of Laws of Leon County, Florida is hereby amended by adopting Article
30 IV, to read as follows:

31
32 **ARTICLE IV. PROHIBITION OF UNAUTHORIZED SOLICITATION ON PRIVATE**
33 **PROPERTY**

34
35 **Sec. 12-80. Purpose and Intent.**

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

42
43 **Sec. 12-81. Definitions.**

44
45 The following words, terms and phrases, when used in this article, shall have the meanings
46 ascribed to them in this section, except where the context clearly indicates a different meaning:
47

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: petition signatures, support of any kind,
7 money, donations of any kind, or some other action, article, or material of value.
8

9 **Sec. 12-82 Prohibited Conduct.**

10
11 (1) It shall be unlawful and a violation of this article for any person to solicit on any
12 private property on which a sign is displayed, as described in Sec. 12-83, without the express
13 written permission of the Authorized Person for the private property.
14

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

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

26 a. The full name of the person soliciting;

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

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

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

33 **Sec. 12-83 Signage.**

34
35 For an Authorized Person to invoke the protections of this article for their private property, they
36 must post a sign that meets the following criteria:
37

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

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

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

2
3 Law enforcement officers may enforce the provisions of this article against any person found
4 in violation of these provisions within their jurisdiction.

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6 **Sec. 12-85 Penalty.**

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

13
14 **Sec. 12-86 Applicability.**

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

22
23 **Section 2. Conflicts.**

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

29
30 **Section 3. Severability.**

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

35
36 **Section 4. Effective Date.**

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38 This ordinance shall have effect upon becoming law.
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40

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

4 LEON COUNTY, FLORIDA
5

6
7 By: _____
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
16 By: _____
17

18
19 APPROVED AS TO FORM:
20 Chasity H. O’Steen, County Attorney
21 Leon County Attorney’s Office
22

23
24 By: _____