

City of Orlando, Florida
Code of Ordinances (last updated September 11, 2006)

Sec. 43.86. Panhandling.

(1) *Definition.* "Panhandling" is any solicitation made in person, requesting an immediate donation of money or other thing of value. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation, is a donation for the purpose of this section. Except as specifically provided in this section, panhandling does not include passively standing or sitting with a sign or other indication that one is seeking donations, without addressing any solicitation to any specific person other than in response to an inquiry by that person.

(2) *Place of Panhandling--Violation.* It shall be unlawful for any person to panhandle, and no registration issued under this section shall be deemed to allow panhandling, including passively standing or sitting with a sign or other indication that one is seeking donations, when the person solicited is in any of the following places within the City limits of Orlando, Florida:

- (a) At any bus or train stop;
- (b) In any public transportation vehicle or facility, excluding airports;
- (c) In any vehicle on the street;
- (d) In a public park, fairground, or sporting facility, including entry ways or exits thereto;
- (e) Within 15 feet of the site of any automated teller machine (ATM);
- (f) On private property, unless the panhandler has permission from the owner or occupant;
- (g) In a parking lot or garage owned or operated by the City of Orlando, including entryways or exits and pay stations connected therewith; or
- (h) On public property in the Downtown Core District as defined in Section 43.87 of the City Code of Orlando, unless the solicitor is within an exempt zone, or otherwise authorized by Section 43.87.

(3) *Manner of Panhandling--Violation.* It shall be unlawful for any person to panhandle in any of the following manners:

- (a) By blocking the path of the person solicited;
- (b) By using profane or abusive language, either during the solicitation or following a refusal;
- (c) By panhandling in a group of two or more persons; or
- (d) By any statement, gesture, or other communication which a reasonable person in the situation of the person solicited would perceive to be a threat.

(4) *False or Misleading Solicitation--Violation.*

(a) It shall be unlawful for any person to knowingly make any false or misleading representation in the course of soliciting a donation. False or misleading representations include, but are not limited to, the following:

- (i) Stating that the donation is needed to meet a specific need, when the solicitor already has sufficient funds to meet that need and does not disclose that fact;
- (ii) Stating that the donation is needed to meet a need which does not exist;
- (iii) Stating that the solicitor is from out of town and stranded, when such is not true;
- (iv) Wearing a military uniform or other indication of military service, when the solicitor is neither a present nor former member of the service indicated;
- (v) Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated;
- (vi) Use of any makeup or device to simulate any deformity; or

- (vii) Stating that the solicitor is homeless, when he or she is not.
- (b) It shall be unlawful for any person to solicit a donation stating that the funds are needed for a specific purpose and then spend the funds received for a different purpose. (Ord. of 1-22-1996, Doc. #29099; Ord. of 2-10-1997, Doc. #30025; Ord. of 12-1-1997, Doc. #30794; Ord. of 11-2-1998, Doc. #31647; Ord. of 8-23-1999, § 1, Doc. #32281; Ord. of 8-21-2000, §§ 1, 2, Doc. #33176)

Sec. 43.87. Solicitation and Off-Premises Canvassing on Public Property in the Downtown Core District of Orlando, Florida.

(1) *Definitions.* The following words, terms and phrases, when used in this Section, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

- (a) "Solicitation" means person-to-person communication which, directly or indirectly:
- (1) seeks a present donation of money or other thing of material value, or
 - (2) is panhandling as defined in Section 43.86(1) or charitable solicitation as defined in Section 51.01 of the City Code.
- (b) "Off-premises canvassing" means person-to-person distribution on public property of written, printed, drawn, or illustrated matter, in whatever format, advertising or promoting a business or business activity, including, without limitation, handbill, circular, dodger, pamphlet, paper, booklet, sample or device. It does not include newspapers or other printed matter contained in receptacles.
- (c) "Business" means any commercial establishment, service or activity operated for financial gain.
- (d) "Public property" means any street, alley, highway, parking lot, sidewalk, garage, park, plaza, building, ground, or other property owned or controlled by the City of Orlando, or any portion thereof.
- (e) "Downtown Core District" means an area in the City of Orlando, Florida comprised of two sectors, further defined as:
- Sector One: bounded on the north by Amelia Street; bounded on the south by West Anderson Street between Rosalind Avenue and South Garland Avenue, and further bounded on the south by South Street between South Garland Avenue and South Hughey Avenue; bounded on the east by Rosalind Avenue, and by Magnolia Avenue between East Livingston and East Amelia Streets; bounded on the west by Hughey Avenue except on Church Street where the western boundary shall be South Parramore Street including fifty feet north and south of the Church Street roadway between Hughey Avenue and South Parramore Street; including the sidewalks and rights-of-way abutting all said streets.
- Sector Two: bounded on the north by West Colonial Drive; on the south by West Robinson Street; on the west by Parramore Avenue, except between Concord Street and Colonial Drive where the western boundary shall be Putnam Avenue; and on the east by Hughey Avenue, including the sidewalks and rights-of-way abutting all said streets.
- (f) "Exempt Zones" means those portions of public property within, or on the boundary of, the Downtown Core District specifically excluded by City Council from the prohibitions of Section 43.87(2). Solicitation and off-premises canvassing, as defined above, and otherwise meeting the requirements of the City Code, may take place in exempt zones. The size, number and location of exempt zones shall be determined by City Council, established by Resolution and clearly marked on the public property. Maps showing the location of the Downtown Core District and exempt zones shall be made available at the Orlando Police Headquarters. Exempt zones that are part of public property leased,

permitted or otherwise contracted to third parties by the City shall lose their exempt status during the term of the contract.

(2) *Prohibitions.*

(a) *Off-Premises Canvassing:* It is unlawful for any person to conduct off-premises canvassing on public property in the Downtown Core District, unless:

- 1) Operating within and pursuant to a current franchise, concession contract, permit or agreement with the City of Orlando for the use of the public property in question; or
- 2) Operating a transportation service otherwise permitted by this Code or State law; or
- 3) Incidental to route, delivery, service, supply or repair persons responding to service calls and operating from clearly identifiable vehicles; or
- 4) The off-premise canvassing occurs in a designated exempt zone, as defined herein.

(b) *Solicitation:* It is unlawful to conduct solicitation, as defined herein, or for charitable purposes as defined in Section 51.01 of the City Code or panhandling purposes as defined in Section 43.86(1) of the City Code on public property in the Downtown Core District, unless:

- (1) The solicitation or panhandling is conducted in a designated exempt zone, as defined herein, or
- (2) The solicitation falls within a recognized, constitutionally guaranteed exercise of religion, press, or noncommercial speech, where money is not solicited for a present donation or exchange.

Presence and conduct in an exempt zone is subject to all other regulations provided for in the Code of the City of Orlando, such as, without limitation, noise, camping, blocking passage, licensing and permitting.

(3) *Penalties.* Any person who violates any of the provisions of Section 43.87 shall be subject to the penalties provided for in Section 1.08 of the City Code.

(Ord. of 8-21-2000, § 1, Doc. #33175)

Sec. 43.88. Sitting/Lying on Sidewalks in the Downtown Core District Prohibited.

(1) *Definitions.*

Sidewalk - An improved walkway intended primarily for pedestrians, usually running parallel to one or both sides of the pavement of a street and public transit waiting areas located within the public right-of-way.

(2) *Prohibition.* It is unlawful for any person, after having been notified by a law enforcement officer of the prohibition in this section, to sit or lie down upon a public sidewalk or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, in the Downtown Core District, as defined in Section 43.87 of the City Code.

(3) *Affirmative Defenses.* It is an affirmative defense to the prohibition in this section if it is shown that:

- (a) Sitting or lying down on a public sidewalk is due to a medical emergency; or
- (b) As a result of age, infirmity or disability a person utilizes a wheelchair, walker, stroller, or similar device to move about a public sidewalk; or
- (c) The person is operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use or similar permit: or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting or similar event conducted on a public sidewalk pursuant to a street use or other applicable permit; or
- (d) The person is sitting on a chair or bench located on the public sidewalk which is supplied by a public or private agency or by the abutting private property owner; or

(e) The sitting or lying is while waiting in an orderly line for entry to any building, including shelters, or awaiting social services such as provision of meals; or outside a box office to purchase tickets to any sporting event, concert, performance, or other special event; or

(f) The sitting or lying is an integral part of a planned, publicized protest by ten (10) or more people accompanied by incidents of speech such as signs and literature explaining the protest, for which proper city permits have been obtained.

(Ord. of 8-5-2002, § 1, Doc. #020805701)

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- (e) The sitting or lying is while waiting in an orderly line for entry to any building, including shelters, or awaiting social services such as provision of meals; or outside a box office to purchase tickets to any sporting event, concert, performance, or other special event; or
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