

CITY OF DEFUNIAK SPRINGS
PEDDLER, SOLICITOR, CANVASSER PERMIT



APPLICATION PROCESS

1. **Complete** the application form.
 - a. Applications are available at the Planning Department, City Hall, Police Department, and www.defuniaksprings.net website.
 - b. Each person that wishes to peddle, solicit, or canvass must complete a separate application.
2. **Gather** required attachments, which include:
 - a. A copy of the applicant's valid driver's license.
 - b. A copy of the valid registration of the vehicle to be used.
 - c. A copy of the applicant's valid insurance policy.
 - d. For those selling from private property: The original signed and notarized letter from property owner, including location of the property, the use that the property owner is allowing (such as produce sales), persons allowed to operate the business on the property and dates the owner has approved.
 - e. For those selling taxable items, a copy of your sales tax certificate must be submitted.
 - f. For those requiring permits from the State of FL (i.e. food trucks), a copy of your permit or registration must be submitted.
 - g. For those working for a company: Official proof of employment, which also includes a point of contact and valid telephone number for verification.
3. **Contact** Planning Department staff to schedule a time for you to submit your application packet; you may reach them by calling 850-892-8571, extension 116.
4. **Submit** the completed application and all required attachments to the Planning Department. They will review the application packet and approve it, if possible.
5. **Submit** your application packet (with the Planning Department's approval) to DeFuniak Springs Police Department (DFSPD).
 - a. The DFSPD will conduct a background check on each applicant.
6. **Contact** the DFSPD after a 24-hour time-frame to ask about the status of your permit application, and if approved, schedule a time for you to pick up your permit. You may reach them by calling 850-892-8513.
7. **Pay Permit Fee and Retrieve Your Permit** from DFSPD.
 - b. If approved, the DFSPD will collect the permit fee for each applicant (as adopted by Resolution 2008-09).
Note: Permit fee were adopted by resolution 2008-09 on July 14, 2008. (Initial Permit: \$25.00 / Each Renewal: \$10.00)
 - c. If approved, the applicant will be provided with a copy of the approved application form, with the dates for which the permit is valid. (Note: if this section is not completed, the application is null and void.)
8. **Keep** the approved permit application form because it will serve as your permit. If public officials request to see your permit and you don't have this document, you will be asked to leave the property.
9. **Renew** your permit, if you wish to continue operating in the City of DeFuniak Springs. Renewals are processed at the DFSPD.
 - a. Each permit is valid for thirty (30) days from the date the permit is issued; the permit is no longer valid at the end of the 30-day period UNLESS the applicant requests and pays for a renewal.
 - b. Applicants are allowed (10) renewals before being required to complete a new application.

QUICK TIPS

A copy of the ordinance is provided at the end of this application package, but below are a few quick tips to help you get started:

Person-to-person contact:

1. If selling produce, seafood, or other goods from a vehicle on the side of the road or street, the vehicle and goods may not be parked on the public right of way, in a city park, or other public lands. The vehicle and goods must be parked on private property and must have the written permission of the property owner.
2. Peddling, soliciting or canvassing on public property (city property or any right-of-way) is not allowed in the city limits unless expressly allowed in writing by the City Manager.
3. Person-to-person contact or distribution of flyers, etc. in privately owned parking lots will require written permission from the owner / manager of such parking lot.

Door-to-door contact:

1. Peddling, soliciting, and canvassing door to door is limited to private residences unless written permission is obtained from apartment or hotel/ motel owners / managers.

Signs:

1. Any signs associated with the peddler must be placed on private property; they must not be placed on a public right of way and must not block the view of traffic.
2. No signs cannot be nailed to trees or power poles.

Misc:

1. Keep a copy of your approved application with you when conducting business.
2. You are responsible for removing all signs, rubbish, garbage, etc. is removed before you leave the site each day.

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APPLICATION FORM: THIS IS PAGE 1 OF THE 2 PAGE FORM; THE APPLICANT MUST COMPLETE BOTH PAGES.

SECTION 1: APPLICANT INFORMATION			
(Tell us about the person who will be involved with peddling, soliciting and/or canvassing within the City of DeFuniak Springs. Complete a separate form for each person.)			
Name:			
Phone:		Email Address:	
Mailing Address:			
City:		State:	ZIP Code:
Physical Address: (if different from mailing address)			
City:		State:	ZIP Code:
Physical Description of Applicant:	Height:		Color of Hair:
	Weight:		Color of Eyes:
	Gender:		Race:
Driver's License Number:		State That Issued DL:	

SECTION 2: BUSINESS INFORMATION	
Description of Business:	
Date Sales will Begin: Date Sales will End:	Hours of Operation:
Which of the following does your business offer? <input type="checkbox"/> Goods <input type="checkbox"/> Services <input type="checkbox"/> Both	
Method of Operation: <input type="checkbox"/> Set up on Private Property <input type="checkbox"/> Person-To-Person <input type="checkbox"/> Door-To-Door <input type="checkbox"/> Telephone	
If set up on private proeprty, provide the following:	Property Owner's Name:
	Address of Property Or Parcel ID#:
Location Goods are Manufactured or Produced:	
How Goods will be Delivered: <input type="checkbox"/> Upon Sale <input type="checkbox"/> Shipped (USPS, Fed Ex, UPS, Other)	

SECTION 3: VEHICLE INFORMATION		
Describe Vehicle Used:	Make:	State of Registration:
	Model:	Tag Number:
	Year:	Color:
	Vehicle Identification Number (VIN#):	
Insurance:		

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APPLICATION FORM: THIS IS PAGE 2 OF THE 2 PAGE FORM; THE APPLICANT MUST COMPLETE BOTH PAGES.

SECTION 4: EMPLOYMENT INFORMATION
(This section is ONLY for those who are affiliated with a company, such as magazine sales.)

Current Employer:		
Position Held:	Company Website:	
Employer Address:		Length of Employment:
City:	State:	ZIP Code:
Phone:	E-mail:	Fax:

SECTION 5: EMERGENCY CONTACT INFORMATION
(THIS IS SOMEONE WHO YOU WOULD CALL IN THE EVENT OF AN EMERGENCY.)

Name:		
Street Address:		
City:	State:	ZIP Code:
Relationship:	Phone:	

SECTION 6: ATTACHMENTS REQUIRED

A copy of the applicant's valid driver's license.
A copy of the valid registration of the vehicle to be used.
A copy of the applicant's valid insurance policy.
For those selling from private property: The original signed and notarized letter from property owner, including the location of the property, the use that the property owner is allowing (such as produce sales), persons allowed to operate the business on the property, and dates the owner has approved.
For those selling taxable items, a copy of your sales tax certificate must be submitted.
For those requiring permits from the State of FL (i.e. food trucks), a copy of your permit or registration must be submitted.
For those working for a company: Official proof of employment, which also includes a point of contact and valid telephone number for verification.

SECTION 7: ACKNOWLEDGEMENTS AND SIGNATURE

By signing below, the applicant hereby acknowledges the following:

- I have completed this application truthfully and to the best of my knowledge;
- I have read the City's ordinance for Peddlers, Solicitors, Canvassers, Etc. and attest that I will fully comply with this ordinance;
- I authorize the verification of the information provided on this form;
- I have provided the necessary attachments and/or information, as requested;
- I understand that my application may require approval by City Council;
- I authorize a background check and understand that information revealed may be basis to deny this application;
- I must be in receipt of a permit issued by city personnel prior to conducting business in the City of DeFuniak Springs; and
- I understand that my permit is subject to revocation for violations to the terms and conditions under which it is issued and/or if staff determines that false, erroneous, or misleading information was provided.

Signature of Applicant:	Date:
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CITY OF DEFUNIAK SPRINGS
PEDDLER, SOLICITOR, CANVASSER PERMIT APPLICATION



SAMPLE OF SIGNED AND NOTARIZED LETTER FROM PROPERTY OWNER

Date of Letter: Month/Day/Year

City of DeFuniak Springs
Attn: Planning Department
35 US Highway 90 West
DeFuniak Springs, FL 32433

Subject: Permission for Property Use

Name and Property Address of the Applicant for the Peddler, Solicitor, Canvasser

Dear Planning Department Personnel:

I, _____, hereby grant permission to _____,
Property Owner's Name *Applicant's Name*

the owner of the business known as _____, to use my property, which
Name of Applicant's Business

is located at _____, for the sole purpose of conducting
Address of Property or Parcel Identification Number

business as _____, beginning on _____
Description of Business or Use Allowed *1st Day Business May Operate on Property*

and continuing until _____.
Last Day Business May Operate on Property

If you have any questions regarding this correspondence, please feel free to contact me at:

Written Name of Property Owner: _____

Mailing Address of Property Owner: _____

Phone Number: _____

Email Address: _____

Sincerely,

Signature of Property Owner

State of Florida
County of Walton

This document was executed before me on _____, 20____ by _____, who is
Month *Day* *Property Owner's Name*

personally known by me OR who submitted _____ as identification.

Seal

Signature of Notary Public: _____

My Commission Expiration Date: _____

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CITY REVIEW AND DOCUMENTATION

PERMIT REVIEW		
Planning Department	Application is complete: <input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Review:
	Attachments: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A - Copy of the applicant's valid driver's license. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A - Copy of the valid registration of the vehicle to be used. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A - A copy of the applicant's valid insurance policy. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A - For those selling from private property: The original signed and notarized letter from property owner, including location of the property, the use that the property owner is allowing (such as produce sales), persons allowed to operate the business on the property and dates the owner has approved. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A - For those selling taxable items, a copy of your sales tax certificate must be submitted. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A - For those requiring permits from the State of FL (i.e. food trucks), a copy of your permit or registration must be submitted. <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A - For those working for a company: Official proof of employment, which also includes a point of contact and valid telephone number for verification.	Name of Reviewer:
		Signature of Reviewer:
Police Department	Background check complete: <input type="checkbox"/> Yes <input type="checkbox"/> No The character and business responsibility of the applicant are found to be satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No If the answer is "no", list the reasons why:	Date of Review:
	Permit is approved: <input type="checkbox"/> Yes <input type="checkbox"/> No	Name of Reviewer:
	Payment:	Signature of Reviewer:
	EFFECTIVE DATE: EXPIRATION DATE:	
	Copy of Form Packet Provided to: <input type="checkbox"/> Planning <input type="checkbox"/> Code Enforcement <input type="checkbox"/> Administration	Comments:

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ORDINANCE: CHAPTER 17: PEDDLERS, SOLICITORS, CANVASSERS, ETC.

Footnotes: --- (1) ---

Editor's note— Ord. No. 526, §§ 1—16, adopted September 22, 1986, amended the Code by repealing former Ch. 17, §§ 17-1—17-3, and enacting new provisions therefor. Former Ch. 17 was concerned with similar provisions and derived from Ord. No. 402, §§ 1—4, adopted November 23, 1970.

Cross reference— Occupational licenses, § 12-16 et seq. State Law reference— Municipal Home Rule Powers Act, F.S. Ch. 166.

ARTICLE I. - IN GENERAL

Sec. 17-1. - Identification card and permit required.

No person, business or organization shall engage in the business of peddler, solicitor or canvasser within the City of DeFuniak Springs without first obtaining an identification card and permit.

(Ord. No. 526, § 1, 9-22-86)

Sec. 17-2. - Definitions.

"Peddle," "solicit" and "canvass" are defined as an offer to sell goods, services or merchandise or seek information or donations in any of the following methods:

- (1) Person-to-person contact on the public streets, highways, parks or other public areas within the city limits of DeFuniak Springs.
- (2) Door-to-door contact at private residences, apartments, rooms or hotels or lodging places within the City of DeFuniak Springs.
- (3) Contact by telephone within the City of DeFuniak Springs.

(Ord. No. 526, § 2, 9-22-86)

Sec. 17-3. - Hours of operation.

Peddling, soliciting, and/or canvassing between the hours of 5:00 p.m. and 9:00 a.m. are hereby prohibited.

(Ord. No. 526, § 3, 9-22-86)

Sec. 17-4. - Peddling from vehicles restricted.

- (a) Selling or peddling of goods, wares or merchandise from vehicles of every nature, including but not limited to trucks, vans, motor scooters, wagons and pushcarts, whether the same be self-propelled or driven by motor, drawn by animals or propelled by human propulsion and from all types of trailers, is hereby prohibited, upon the streets, in parking areas, and in public areas within the city.
- (b) An exception may be granted for ice cream vendors, local farm products or seafood, and the like, by the city council or its designated agent.
- (c) This section shall not be construed so as to prevent or in any manner affect the sale or distribution of goods, wares and merchandise at wholesale from vehicles to merchants and customers on their own premises.

(Ord. No. 526, § 4, 9-22-86)

Sec. 17-5. - Charities and nonprofit corporations.

- (a) The city council shall maintain a list of charities and nonprofit corporations, representatives of which may be permitted to solicit funds within the city without the necessity of permits or identification cards.
- (b) The list of charities and nonprofit corporations shall be posted in the office of the city clerk and the chief of police.
- (c) Any charity or nonprofit corporation not so listed may be adopted to the list upon application to the city council, in writing, setting forth the nature of the charity or nonprofit corporation, its purposes and officers and directors.
- (d) The council shall be the sole judge of whether an organization is a true charity or truly a nonprofit corporation.
- (e) An appropriate officer of the charity or nonprofit corporation shall provide the chief of police the date, time and method which they intend to use to solicit funds or sell goods within the city limits.
- (f) When used in this chapter, the term nonprofit corporation shall include, but not be limited to, all groups including religious, fraternal, civic or other tax-exempt organizations.

(Ord. No. 526, § 5, 9-22-86)

Sec. 17-6. - Application for permit.

Any person desiring to secure a permit under this chapter shall apply therefor in writing over his signature on forms provided by the city, and such application shall state:

- (1) Name and description of applicant;
- (2) Permanent home address and full local address of applicant;
- (3) A brief description of the nature of the business and goods to be sold and the proposed method of operation in the city;
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship;
- (5) If a vehicle is to be used, a description thereof, together with license number or other means of identification;

(6) The place the goods or property proposed to be sold by a solicitor by order for future delivery are manufactured or produced, where such goods or products are located at the time the application is filed, and the proposed method of delivery.
(Ord. No. 526, § 6, 9-22-86; Ord. No. 768, 7-14-2008)

Sec. 17-7. - Investigation of applicant.

Upon receipt of an application under this chapter, the office of the city marshal shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public.
(Ord. No. 526, § 7, 9-22-86; Ord. No. 768, 7-14-2008)

Sec. 17-8. - Issuance of permit.

(a) If, as a result of the investigation, the character and business responsibility of the applicant are found to be satisfactory, the city marshal, or his/her designee shall endorse on the application his approval, and execute an identification card for the applicant. Upon payment of the prescribed license fee, the applicant shall be issued an identification card and license.
(b) The application, identification card and license fee shall be filed in the offices of the city marshal and city manager.
(Ord. No. 526, § 8, 9-22-86; Ord. No. 768, 7-14-2008)

Sec. 17-9. - Refusal to issue.

If, as a result of investigation, the applicant's character of business responsibility is found to be unsatisfactory, the chief of police shall endorse on such application his disapproval and his reasons therefor, and shall notify the applicant that his application is disapproved and that no license shall be issued under this chapter.
(Ord. No. 526, § 9, 9-22-86)

Sec. 17-10. - Contents of identification cards.

Each identification card shall contain the signature of the applicant and shall show the name, address and a general description of the applicant.
(Ord. No. 526, § 10, 9-22-86)

Sec. 17-11. - Use of identification card by another.

No identification card issued under the provisions of this chapter shall be used at any time by any person other than the one to whom it was issued.
(Ord. No. 526, § 11, 9-22-86)

Sec. 17-12. - Carrying and exhibiting permits and identification cards.

Permits and identification cards issued under this chapter shall be carried at all times by the applicant to whom issued, when soliciting or canvassing in the city, and shall be exhibited by any such applicant whenever he shall be requested to do so by any police officer or any person solicited.
(Ord. No. 526, § 12, 9-22-86)

Sec. 17-13. - Revocation of permits or identification cards.

Any permit or identification card issued under this chapter may be revoked by the chief of police for violation by the holder thereof of any of the ordinances of the city, or any state or federal law, or whenever the holder of such permit shall in the judgment of the chief of police cease to possess the character and qualifications required for the issuance of such permit.
(Ord. No. 526, § 13, 9-22-86)

Sec. 17-14. - Terms of permits.

All permits issued pursuant to this chapter shall be dated and signed by the city marshal or his/her designee and shall be valid for a period of thirty (30) days from the date of issuance, upon payment of a fee. Said fee shall be in an amount established by resolution.
(Ord. No. 526, § 14, 9-22-86; Ord. No. 768, 7-14-2008)

Sec. 17-15. - Renewal of permits.

Prior to the expiration of any permit issued under the terms of this chapter, the holder of any such permit may renew the permit for an additional term not to exceed eleven (11) months. Renewal under this section shall require payment of fees, as set by resolution, for each month of the additional term sought. Any request for extension beyond eleven (11) months shall be considered a new request and fees for each month of such renewal shall be required.
(Ord. No. 526, § 15, 9-22-86; Ord. No. 768, 7-14-2008)

Sec. 17-16. - Responsibility; liability.

The City of DeFuniak Springs, Florida, does not assume any responsibility or liability arising from the issuance of permits in accordance with the provisions of this chapter.
(Ord. No. 526, § 16, 9-22-86)

Sec. 17-17. - Fees.

The fees for the permits allowed, pursuant to this chapter shall be set forth in a resolution adopted by the city council.
(Ord. No. 768, 7-14-2008)

Secs. 17-18—17-30. - Reserved.

ARTICLE II. - PANHANDLING

Sec. 17-31. - Aggressive panhandling—Defined.

Aggressive panhandling is a legal term designating those forms of public solicitation which have been designated as unlawful and includes:

Solicitation(s) made in person, in which a person requests an immediate donation of money or other gratuity from another person (regardless of where said solicitation occurs). By vocal appeal: asking, requesting, coercing (badgering), sympathy appeals, harassment, threats, or demands. Or by non-vocal appeal: Usage of signs or other indications that a donation is being sought, or without any vocal request such as a hand out, bodily gestures, despondent postures, threatening or intimidating postures, or the use of props such as toys, musical instruments, animals or children. Aggressive panhandling is the misuse of sympathy, fear, guilt or insecurity for monetary gain via coercion and intimidating solicitation by an individual habitually.

Aggressive panhandling does not include the following activities:

- Holding up a sign on a public sidewalk promoting an event, sale, political or religious view or other topic;
- Street performances;
- Any activity for which a permit has been issued.

(Ord. No. 825, § 3(Exh. A), 10-22-2012)

Sec. 17-32. - Aggressive panhandling—Manner and activities unlawful.

It shall be unlawful for any person to panhandle in any of the following manners or conduct the following activities:

- Intentionally coming within three feet of the person solicited, unless that person has indicated that he or she does wish to make a donation.
- Soliciting anyone under the age of sixteen (16).
- Soliciting within fifty (50) feet of any bank or automated teller machine (ATM).
- Soliciting from customers inside a store or restaurant.
- Soliciting after dark.
- Blocking the path of a person being solicited or the entrance to any building or vehicle.
- Soliciting in a loud voice, often accompanied with wild gesticulations.
- Acting with intent to intimidate someone into giving money.
- The use of insults, profanity, or veiled threats; using obscene or abusive language while attempting to solicit.
- Refusing to take "No" for an answer or following an individual.
- Continuing to panhandle or follow someone after he or she has refused to give money.
- Demanding more money after a donation has been given.
- Invasion of personal space, cornering, blocking or inappropriate touching or touching someone without his or her consent.
- Intentionally blocking or interfering with the passage of a person or vehicle.
- A "team" of several beggars approaching an individual at once, often surrounding the person or vehicle.
- "Camping out" in a spot where begging negatively influences some other business (such as in front of a store or restaurant) in the hope that the business owner will give money to make the beggar go away.
- Soliciting at a car window and/or shaking a cup or other container while at an intersection; interfering with motor vehicle traffic.
- Confronting someone in a way that would cause a reasonable person to fear bodily harm.
- Impeding pedestrians' ability to walk either by standing or by lying down in the way.

(Ord. No. 825, § 3 (Exh. A), 10-22-2012)

Sec. 17-32. - Aggressive panhandling in specified locations prohibited.

It shall be unlawful for any person to panhandle when the person solicited is in any of the following places within the city limits:

- Within fifty (50) feet of any bank or automated teller machine (ATM);
- On public transportation vehicles and at stations and stops;
- Near business entrances/exits;
- In any vehicle on a street or a driveway providing ingress /egress to a street where such driveway is open to the general public;
- On private property, if posted by the owner, or unless the panhandler is in physical possession of written permission from the owner or lawful occupant thereof; and
- In public parks and sidewalks adjacent to parks.

(Ord. No. 825, § 3 (Exh. A), 10-22-2012)