

ORDINANCE NO. 2010- 12

AN ORDINANCE OF NASSAU COUNTY, FLORIDA, AMENDING ORDINANCE NO. 93-5, KNOWN AS THE HOME SOLICITATION SALES ORDINANCE; SPECIFICALLY AMENDING SECTION ONE, SHORT TITLE; SECTION TWO, DEFINITIONS; SECTION THREE, APPLICATION; SECTION FOUR, HOME SOLICITATION SALE; PERMIT REQUIRED; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature has provided pursuant to Florida Statutes, Section 501.022 methods for consumer protection regarding Home Solicitation Sales; and

WHEREAS, Board of County Commissioners in order to protect the safety and welfare of the citizens have found it necessary to amend Ordinance 93-5;

NOW, THEREFORE, BE IT ORDAINED, this 8th day of November, 2010, by the Board of County Commissioners of Nassau County, Florida, that Ordinance No. 93-5, shall be amended as follows:

1. Section One: SHORT TITLE

This ordinance shall be known as the "Home Solicitation Sales and Canvassing Ordinance".

2. Section Two: DEFINITIONS

Home solicitation sale means a sale, lease or rental of consumer goods or services ~~with a purchase price less than twenty-five dollars (\$25.00)~~, 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:

(1) The seller or a person acting for him 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

(2) 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 Section 320.27, Florida Statutes, which occurs at a location or facility open to the general public or to a designated group.

(3) Mobile vendors duly licensed under the State of Florida who move along a public street a minimum of 500 feet at least once every 20 minutes shall be exempt from the provisions of this article.

Canvasser or solicitor means any individual, whether a resident of the county or not, traveling either by foot, vehicle or other type of conveyance, from place to place, from house to house, or from street to street within the county, taking or attempting to take orders for the sale of goods, wares and merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future. The canvasser or solicitor may carry or expose for sale a sample of the subject of such sale, or may collect advance payment on such sales and may be considered any person who, for himself or for another person, hires, leases, uses or occupies any building, structure, car, room, shop or any other place within the unincorporated area of the county for the sole purpose of exhibiting samples and taking orders for future delivery.

3. Section Three: APPLICATION

(a) Applicants for permits shall file sworn applications in writing with the clerk of the circuit court. The clerk is authorized to impose a reasonable permit fee sufficient to offset the administrative costs associated with the permitting procedure. Each applications shall contain the following information:

- (1) Full name of applicant.
- (2) Date of birth of applicant.

- (3) Race and sex of applicant.
 - (4) Permanent residence address of applicant.
 - (5) Local residence address of applicant.
 - (6) Name and address of applicant's employer.
 - (7) Two (2) recent color photographs of applicant.
 - (8) 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.
 - (9) A complete set of fingerprints taken by an authorized law enforcement agency.
- (b) Upon receipt of a sworn application for a home solicitation sale permit, the clerk of the court shall submit the fingerprints to the department of law enforcement. The clerk of the court shall also submit to the county sheriff's department a copy of the application and the fingerprints. The sheriff shall report any criminal justice information to the clerk within sixty (60) days after receipt of the fingerprints and a copy of the application.
- (c) The clerk of the court may revoke, suspend, or deny the issuance of any home solicitation sale permit if it is determined an applicant or permit holder has:
- (1) Been convicted of, or entered a plea of guilty or nolo contendere to, a crime against the laws of the State of Florida 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 Sections 501.021--501.055, Florida Statutes.
 - (2) Has obtained a permit by fraud, false statement, misrepresentation, or failure to truthfully answer any question in the required permit application.
 - ~~(3) Has failed to obtain required county occupation license.~~
4. Section Four: HOME SOLICITATION SALE; PERMIT REQUIRED
- (a) It is unlawful for any person to conduct any home solicitation sale, as defined herein, or to supervise excluded minors conducting such sales provided

in subsection (b)(4), in this county without first obtaining a valid home solicitation sale permit as provided herein.

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

(1) Solicitors, salesmen or agents making a call or [a] business visit upon the express invitation, oral or written, of an inhabitant of the premises or his agent.

(2) Telephone solicitors, salesmen 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.

~~(3) Solicitors, salesmen or agents conducting a sale, lease or rental of consumer goods or services by sample, catalog or brochure for future delivery.~~

~~(4)~~ (3) Minors, as defined in F.S. § 1.01(14), 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.

~~(5)~~ (4) Solicitors, salesmen 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 F.S. § 212.08(7)(a).

(5) It is hereby declared to be unlawful for any person whether permitted or registered or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in, or attempt to engage in, soliciting as herein defined, prior to 9:00 a.m. or after 7:00 p.m. of any weekday, or at any time on a Sunday or on a state or national holiday.

(6) It is hereby declared to be unlawful for any person whether permitted or registered or not, to go upon any premises and ring the doorbell upon or near any door of a residence located thereon, or rap or knock upon any door or create


any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in, or attempt to engage in, soliciting as herein defined if:

- (a) An occupant of a home has given notice of their determination to refuse invitation to solicitors by displaying a clearly legible notice exhibited near the entrance of their home which displays something similar to the following: "No Solicitors" or "No Solicitation".
- (b) A residence is located on a private road not dedicated to the public where a notice similar to "No Solicitors" or "No Solicitation" is posted at the entrance of the community which shall be deemed sufficient notice that solicitation is prohibited at all residences located therein.

5. Section 6: EFFECTIVE DATE

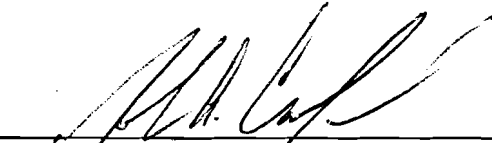
This ordinance is effective upon filing with the office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



MICHAEL H. BOYLE
Its: Chairman

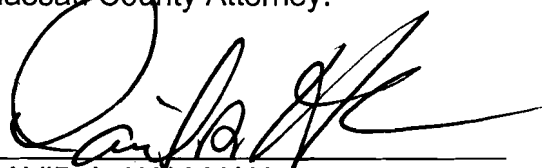
Attest as to Chairman's signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Melanie D. Bower
11-8-10

Approved as to form by the
Nassau County Attorney:



DAVID A. HALLMAN