
CITY OF OCALA

CITY COUNCIL REPORT

Council Meeting Date: 09/14/21

Subject: Repeal of Sections 58-170, 58-171

Submitted By: Patrick Gilligan

Department: City Attorney

STAFF RECOMMENDATION (Motion Ready): Adopt Ordinance 2021-75 repealing Sections 58-170 and 58-171 as they relate to panhandling and soliciting in the roadways

OCALA'S RELEVANT STRATEGIC GOALS:

PROOF OF PUBLICATION:

BACKGROUND:

There is current federal and state case law that is contradictory to our current ordinances 58-170 and 58-171 as they relate to panhandling and soliciting in the roadways. This was discussed with Council at the shade meeting held on July 30, 2021.

FINDINGS AND CONCLUSIONS:

The repeal of these ordinances is consistent with current law as articulated by the federal courts, and the Florida attorney general.

FISCAL IMPACT:

None.

PROCUREMENT REVIEW:

Not applicable.

LEGAL REVIEW:

These ordinances have been reviewed and approved by Assistant City Attorney Patrick G. Gilligan.

ALTERNATIVE:

Do not adopt the ordinances.

SUPPORT MATERIALS:

ORDINANCE 2021-75

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, REPEALING SECTIONS 58-170 AND 58-171 CONCERNING BEGGING, PANHANDLING AND SOLICITING; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Ocala, Florida as follows:

Section 1. That Sections 58-170 and 58-171 of the Code of Ordinances, City of Ocala, Florida, are hereby repealed in its entirety.

Section 2. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect upon approval by the mayor, or upon becoming law without such approval.

ATTEST:

CITY OF OCALA

By: _____
Angel B. Jacobs
City Clerk

By: _____
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on _____, 2021.

By: _____
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: _____
Robert W. Batsel, Jr.

City Attorney

Ordinance No: 2021-75
Introduced: 8/17/2021
Adopted: 9/14/2021
Legal Ad No: 6202525 - 8/25/21