



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#24-0410

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Thomas J. Ansbro, City Attorney

DATE: May 7, 2024

TITLE: First Reading - An Ordinance of the City Commission of the City of Fort Lauderdale, Florida, Amending Article XI Entitled "Solicitation and Display on Public Rights-of-Way", of the Code of Ordinances of the City of Fort Lauderdale, Florida – **(Commission Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission adopt the attached proposed Ordinance amending Article XI Entitled "Solicitation and Display on Public Rights-of-Way" of the Code of Ordinances of the City of Fort Lauderdale, Florida.

Background

On September 16, 2014, the City Commission of the City of Fort Lauderdale adopted Ordinance No. C-14-38 creating Article XI - "Solicitation and Display on Public Rights-of-Way" of Chapter 25 of the City of Fort Lauderdale, Florida Code of Ordinances in furtherance of its significant interest in protecting the health, safety and welfare of the pedestrians and motorists in the City. The constitutionality of the ordinance was challenged in Federal court resulting in a temporary injunction of its enforcement. On September 6, 2022, the City Commission adopted Ordinance No. C-22-31 amending Article XI - "Solicitation and Display on Public Rights-of-Way" of Chapter 25 in order to modify or remove legally objectionable provisions of the ordinance such as the Hand-to-Hand Transmission Clause and provisions regarding the selling and advertising or requesting donations and use of signage.

Section 25-267 of the Code of Ordinance, before its enforcement was enjoined, made it unlawful for any person to act as a right-of-way canvasser or solicitor on any portion of a public right-of-way with a functional classification of Arterial on the Broward County Highway Functional Classifications Map and a Broward County Metropolitan Planning Organization Roadway 2012 Peak Level of Service (LOS) designation of D, E or F or within 200 feet of specific designated intersections as measured from the edge of the curb of the intersecting streets. On January 26, 2024, United States District Court Judge Roy K. Altman entered a final order in the case *Messina, et al., v. City of Fort Lauderdale*, Case No. 21-cv-60168-RKA, finding that this provision of the ordinance was not narrowly tailored to achieve a significant government interest and finding that there was insufficient

evidence that the ordinance would serve the significant government interest. The proposed ordinance modifies Section 25-267 of the Code of Ordinances of the City of Fort Lauderdale to address the Court's ruling by narrowly tailoring the regulations to address findings of the City of Fort Lauderdale Traffic Crash Analysis 1/1/19 – 7/31/23 report and the City of Fort Lauderdale 2019-2023 Crash Density & Median Size Map.

Resource Impact

The adoption of this Ordinance has no direct fiscal impact on the City of Fort Lauderdale.

Strategic Connections

This item supports the Press Play Fort Lauderdale 2024 Strategic Plan, specifically advancing:

- The Public Safety Focus Area
- Goal 6: Build a safe and well-prepared community.

This item advances the Fast Forward Fort Lauderdale 2035 Vision Plan: We Are United.

Attachments

- Exhibit 1 – US District Court Southern District of Florida Order – January 25, 2024
- Exhibit 2 – US District Court Southern District of Florida Judgment - January 26, 2024
- Exhibit 3 – City of Fort Lauderdale Traffic Crash Analysis 1/1/19 – 7/31/23
- Exhibit 4 – City of Fort Lauderdale 2019-2023 Crash Density & Median Size Map
- Exhibit 5 – Proposed Ordinance

Prepared by: D'Wayne M. Spence, Deputy City Attorney

Charter Officer: Thomas J. Ansbro, City Attorney