



Panhandling Ordinance/City of Daytona Beach

Background: Last year, the City of Daytona Beach stopped enforcing its panhandling ordinance after two federal court rulings voided anti-panhandling ordinances on First Amendment grounds. Since that time, panhandling within the City has reached epidemic levels and seriously degraded Daytona Beach's image.

Current Proposal: The Daytona Beach City Commission has hired Michael Kahn to draft a panhandling ordinance. Mr. Kahn, an attorney who specializes in First Amendment cases, has crafted and defended similar ordinances in other Florida cities which have also had issues with panhandling activity. Most recently, Mr. Kahn drafted an ordinance in St. Augustine, which was being overwhelmed with panhandlers, particularly in their core tourist district.

Mr. Kahn will be consulting closely with Daytona Beach City Attorney Bob Jagger, and working to identify the adverse secondary effects of panhandling unique to Daytona Beach. His approach is based on time, place and manner of solicitation and will allow the City to provide an atmosphere of civility, safety and property rights. This ordinance is based on a system of mapping that creates buffers around entrances to businesses, schools, bank ATMs and other locations throughout the City. This mapping defines the space where panhandling would be allowed, and also protects other areas with the intent of balancing the constitutional rights of solicitors while also preserving the constitutional rights of the many other interested parties, including business owners, residents and visitors.

If passed, enforcement of the ordinance, along with the opening of the First Step Shelter in May 2019, are expected to greatly reduce panhandling activity in the City, while also providing assistance those truly in need. Any previous panhandling ordinances (circa 2000) would be repealed prior to adopting this new ordinance.

Position

The Daytona Regional Chamber supports any ordinance that will curb panhandling solicitation in the City of Daytona Beach, in a manner that is enforceable and protects the constitutional rights of all parties.