



ORDINANCE NO. 2010- 12

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NO. 76-57, RELATING TO PUBLIC SOLICITATIONS OF CONTRIBUTIONS, BY AMENDING SECTION SEVEN, "PROHIBITED ACTS," IN ORDER TO PROHIBIT A PUBLIC SOLICITOR FROM MISREPRESENTING THAT HE OR SHE IS A VETERAN OF THE MILITARY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

2010 MAR 29 04:10:44

FILED

WHEREAS, on December 14, 1976, the Board of County Commissioners adopted Ordinance No. 76-57 in order to regulate solicitations of contributions in Collier County; and

WHEREAS, Ordinance No. 76-57 requires public solicitors to register with the Clerk of the Circuit Court and maintain accurate records reflecting all income and expenses; and

WHEREAS, Ordinance No. 76-57 prohibits a public solicitor from misrepresenting or misleading anyone to believe that the public solicitation is being conducted for a charitable organization or that the proceeds of such solicitation or sale will be used for charitable purposes, if such is not the fact; and

WHEREAS, the Board of County Commissioners desires to amend Ordinance No. 76-57 in order to prohibit a public solicitor from representing that he or she is a veteran of the military, such as by wearing a military uniform or other indication of military service, when the solicitor is neither a present nor a former member of the service indicated.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA that:

SECTION ONE: AMENDMENT TO SECTION SEVEN OF ORDINANCE NO. 76-57.

Section Seven of Ordinance No. 76-57 is hereby amended as follows:

SECTION SEVEN: Prohibited Acts

Words underlined are added; Words ~~struck through~~ are deleted.

1. It shall be unlawful for any public solicitor to solicit funds within Collier County without first filing a registration statement as provided by this Ordinance.
2. No public solicitor subject to the provisions of this Ordinance, shall use or exploit the fact of registration so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by the Collier County Board of County Commissioner as required by Ordinance. Registration does not imply endorsement of a public solicitor for contribution.
3. No person shall, in connection with the solicitation of contributions for or the sale of goods or services of a person other than a charitable organization, misrepresent to or mislead anyone by any manner, means, practice or devise whatsoever, to believe that the person on whose behalf such solicitation or sale is being conducted is a charitable organization or that the proceeds of such solicitation or sale will be used for charitable purposes, if such is not the fact.
4. No person shall make any representation that he is soliciting contributions for or on behalf of a public solicitor or shall use or display any emblem, device or printed matter belonging to or associated with a public solicitor for the purpose of soliciting or inducing contributions from the public without first being authorized to do so by the public solicitor.
5. No public solicitor shall represent that he or she is a veteran of the military, or wear a military uniform or other indication of military service, when the solicitor is neither a present nor a former member of the service indicated.

SECTION TWO: INCLUSION IN THE CODE OF LAWS AND ORDINANCE.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION THREE: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of the Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

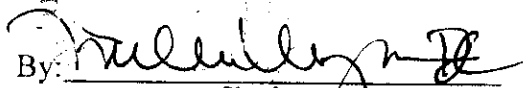
SECTION FOUR: EFFECTIVE DATE.

This Ordinance shall become effective upon filing with the Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County,
Florida, this 23rd day of March, 2010.

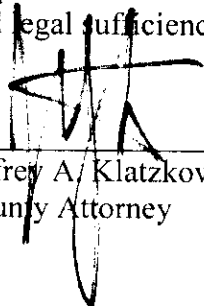
ATTEST:
DWIGHT E. BROCK, CLERK

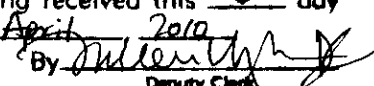
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Attest as to Chairman's
signature on: Deputy Clerk

By: 
FRED W. COYLE, CHAIRMAN

Approved as to form
and legal sufficiency:


Jeffrey A. Klatzkow
County Attorney

This ordinance filed with the
Secretary of State's Office the
29th day of March, 2010
and acknowledgement of that
filing received this 6th day
of April, 2010
By: 
Deputy Clerk

STATE OF FLORIDA)

COUNTY OF COLLIER)

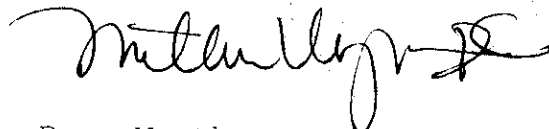
I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

ORDINANCE 2010-12

Which was adopted by the Board of County Commissioners on the 23rd day of March, 2010, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 24th day of March, 2010.

DWIGHT E. BROCK
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners



By: Martha Vergara,
Deputy Clerk