

OFFICE OF THE CITY ATTORNEY



PHONE: (305) 809-3770

FAX: (305) 809-3771

## THE CITY OF KEY WEST

POST OFFICE BOX 1409  
KEY WEST, FL 33041-1409  
WWW.KEYWESTCITY.COM

# EXECUTIVE SUMMARY

To: The City Commission for the City of Key West

From: Ron Ramsingh, Assistant City Attorney

Date: October 14, 2015, revised 10/28/15

RE: A Resolution to approve the relocation of the panhandling zone on the 900 block of Caroline Street to the 600 block of Greene Street

Sponsor: City Manager

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### **Action statement:**

This proposed Resolution will allow for the relocation of one of the 2 current designated panhandling zones in the Core Commercial Tourist Area within the City of Key West (Old Town).

### **Background:**

In 2011, the Mayor sponsored several ordinance revisions to address issues with vagrancy. Ordinance #12-03 is attached as Exhibit "A". One of those proposals was a major revision to the panhandling ordinance that banned panhandling within the Old Town section of Key West. In exchange, the city established 2 areas where panhandling is permitted in order to be in compliance with federal law that prescribes a *reasonably attractive alternative* to the otherwise constitutionally protected "speech". The Caroline Street restoration project proposes to put a new city bus stop on the 900 block of Caroline Street, as well as proposed new bus parking, according to Engineering staff. The ordinance prevents solicitations within 20 feet of a bus stop, so because

of the design of the project, the current location would run afoul of our own ordinance. City staff has compiled 3 possible locations where the panhandling zone can be relocated and not be on the sidewalk or road. The choices are indicated in Exhibit "B". This requires that the property on which the new zone is located be on city property, which are few.

**Options:**

1. To select and approve a new location for the current panhandling zone on the 900 block of Caroline Street to accommodate the Caroline Street restoration project. After careful consideration, Engineering staff and city management recommends the Greene St. location. Considering the 3 possible locations, this location impacts the least amount of residences, while being exposed to the most pedestrian traffic from a constitutional standpoint.
2. To defeat the proposed resolution. The Caroline Street location would be closed anyway due to its proximity to a new proposed bus stop and the city's exposure for a constitutional challenge will significantly increase.

**Recommendation:** To select the 600 block of Greene Street location as the new panhandling zone, replacing the passive panhandling zone currently located on the 900 block of Caroline Street.

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