



**CITY OF KEY WEST**  
 PO Box 1409 (1300 White St.)  
 Key West, FL 33041  
 licensing@cityofkeywest-fl.gov

**PEDDLER PERMIT  
 APPLICATION**

(Revised 2/2019)

**Office use only:**

Permit # Issued: \_\_\_\_\_  
 Expiration Date: \_\_\_\_\_  
 Licensing Rep: \_\_\_\_\_

Application Date: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Permanent Home Address: \_\_\_\_\_  
 Full Local Home Address: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Email Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

Brief description of the nature of the business and the goods being sold:  
 \_\_\_\_\_

If employed, name and address of the employer:  
 \_\_\_\_\_

\_\_\_ Yes \_\_\_ No Have you ever been convicted of a felony? If yes, nature of the offense & the punishment or penalty assessed therefor:  
 \_\_\_\_\_

\_\_\_ Yes \_\_\_ No Will the applicant, upon any sale or order, demand, accept or receive payment or deposit of money in advance of final delivery?  
 \_\_\_\_\_

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By signing below, I certify that the above information is true, complete, and correct. I have received a copy of sections 18-541 through 18-589, City of Key West Municipal Code, and agree to abide by the provisions outlined therein.

Signature: \_\_\_\_\_

**Notary:** State of \_\_\_\_\_, County of \_\_\_\_\_

The foregoing instrument was acknowledged before me on this  
 \_\_\_ day of \_\_\_, 20\_\_\_, by \_\_\_\_\_.

Notary signature: \_\_\_\_\_

\_\_\_ Personally known \_\_\_ Produced ID: \_\_\_\_\_

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**REQUIRED ATTACHMENTS:**

- \_\_\_ Surety bond – Minimum \$1000, must state “the named insured shall comply fully with all the applicable provisions of this Code, the ordinances of the city and state law regulating and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the peddler, and further guaranteeing to any citizen of the city doing business with such peddler that the property purchased will be delivered according to the representations of such peddler,” in accordance with Sec. 18-582.
- \_\_\_ NICS FBI criminal background check performed within 1 month of making application. ([www.edo.cjis.gov](http://www.edo.cjis.gov))
- \_\_\_ 2” x 2” photo of applicant showing the head and shoulders of the applicant in a clear and distinguishing manner, taken within 60 days immediately prior to the date of filing the application
- \_\_\_ Florida State Sales Tax Resale Certificate ([www.floridarevenue.com](http://www.floridarevenue.com))
- \_\_\_ Review of driver’s license or other government-issued identification
- \_\_\_ \$200.00 licensing fee

## ARTICLE X. - PEDDLERS<sup>[8]</sup>

Footnotes:

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**Cross reference**— Streets and sidewalks, ch. 62.

**State Law reference**— Home solicitation sales, F.S. §§ 501.021—501.055.

### DIVISION 1. - GENERALLY

Sec. 18-541. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Peddler* means any person, without any permanent or fixed place of business, carrying or transporting merchandise and offering it for sale door to door which may include exhibiting samples, taking orders on future sales and deliveries, or operating from a motor vehicle on private property to exhibit samples, take orders for future delivery or offer or make sales of merchandise; or contacting potential customers via the telephone or the internet to solicit sales or take orders for future delivery. For the purposes of this article, the meaning of the word "peddler" includes the terms "canvasser," "solicitor," and "itinerant merchant."

(Code 1986, § 107.01; Ord. No. 19-04, § 1, 2-5-2019)

**Cross reference**— Definitions generally, § 1-2.

Sec. 18-542. - Exceptions to article.

This article shall not apply to religious organizations on public property, nor shall this article apply during periods of special events as authorized from time to time by the city manager.

(Code 1986, § 107.02)

Sec. 18-543. - Entrance to premises restricted.

It shall be unlawful for any peddler to enter upon any private premises when such premises are posted with a sign stating "no peddlers allowed" or "no solicitations allowed" or other words to such effect.

(Code 1986, § 107.03)

Sec. 18-544. - Refusing to leave.

Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises or his agent to leave the premises and not return to such premises shall be deemed guilty of an offense.

(Code 1986, § 107.04)

Sec. 18-545. - Misrepresentation.

It shall be unlawful for any peddler to make a false or fraudulent statement concerning the quality of his goods, wares, merchandise or services for the purpose of inducing another to purchase the goods, wares, merchandise or services.

(Code 1986, § 107.05)

Sec. 18-546. - Hours of operation.

It shall be unlawful for any peddler to engage in the business of peddling within the city between 8:30 p.m. and 8:30 a.m., or on Sundays and holidays.

(Code 1986, § 107.06)

Sec. 18-547. - Locations.

The following locations in the Historic District shall not be used by peddlers under this ordinance:

- a) Mallory Square.
- b) Wall Street.
- c) In front of or abutting a federal, state, or local government building.
- d) In front of or abutting a church, synagogue, or other place of worship.
- e) In front of or abutting a theatre.
- f) The Key West Bight Harborwalk.
- g) The Truman Waterfront Park.
- h) The area commonly known as the Southernmost Point, extending from the center of the intersection of South and Duval Streets westward to the Southernmost Point monument, then continuing northward to the center of the intersection of United and Whitehead Streets.
  - i) Whitehead Street from Front Street to Eaton Street.
  - j) The area commonly known as Clinton Square including those portions of Whitehead, Greene and Front Streets.
  - k) Edward B. Knight Pier.

(Ord. No. 19-04, § 2, 2-5-2019)

Secs. 18-548—18-575. - Reserved.

DIVISION 2. - PERMIT

Sec. 18-576. - Required.

It shall be unlawful for any person to engage in business as a peddler within this city without first obtaining a permit to do so. Each peddler permit shall be issued in the name of the individual applicant only, and shall not be issued in the name of any corporation, partnership, or business. A peddler permit is non-transferable.

A valid peddler permit issued by the City of Key West shall be construed as satisfying, for the named holder thereof and for the uses provided in this article, the business tax receipt requirements of Chapter 66, Article IV, City of Key West Municipal Code.

(Code 1986, § 107.08; Ord. No. 19-04, § 3, 2-5-2019)

Sec. 18-577. - False information.

It shall be unlawful for any person to give any false or misleading information in connection with his application for a permit required by this division.

(Code 1986, § 107.12)

Sec. 18-578. - Application.

An applicant for a permit required under this ordinance shall file with the city Licensing Division a sworn application on a form to be furnished by the city, which shall include the following information:

- (1) The name of the applicant.
- (2) The permanent home address and full local home address of the applicant.
- (3) A physical, accurate mailing address, phone number, and email address for the applicant.
- (4) A brief description of the nature of the business and the goods to be sold.
- (5) If acting as an employee of a business, the name and address of the employer,
- (6) A photograph of the applicant, taken within 60 days immediately prior to the date of filing the application, which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (7) Applicants shall provide a NICS FBI criminal background check that has been performed within a month of making application. A conviction for a felony shall disqualify an applicant from receiving a permit.
- (8) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery.

(9) State sales tax registration number.

(10) Such other relevant information as may be deemed appropriate by the Licensing Division.

(Code 1986, § 107.09; Ord. No. 19-04, § 4, 2-5-2019)

Sec. 18-579. - Identification.

At the time of filing his/her application for a permit required by this division, the applicant shall present his/her driver's license or other government-issued picture identification.

(Code 1986, § 107.10; Ord. No. 19-04, § 5, 2-5-2019)

Sec. 18-580. - Bond.

(a) Every applicant for a peddler permit shall file with the city manager or designee a surety bond running to the city in the amount of \$1,000.00, with surety acceptable to and approved by the city manager or designee. The bond shall be conditioned that the applicant shall comply fully with all the applicable sections of this Code, the city ordinances and state law regulating and concerning the business of peddling, and guaranteeing to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the peddler. The bond shall further guarantee to any citizen of the city doing business with such peddler that the property purchased will be delivered according to the representations of such peddler. Action on such bond may be brought in the name of the city to the use or benefit of the aggrieved person.

(b) If the applicant is an agent, employee, canvasser or solicitor of a corporation authorized to do business in this state or registered under the fictitious name act of the state, such business may furnish one bond in the amount of \$1,000.00 for any and all of its agents, employees, canvassers or solicitors.

(Code 1986, § 107.15; Ord. No. 19-04, §§ 6, 8, 2-5-2019)

**Editor's note**— Ordinance No. 19-04, §§ 6, 7 adopted February 5, 2019, repealed §§ 18-580, 18-581 which pertained to the application fee and fingerprints, respectively; both derived from the 1986 Code. Ordinance §§ 8—12 renumbered subsequent former §§ 18-582—18-586 as §§ 18-580—18-584.

Sec. 18-581. - Fee.

An annual permit fee in the amount of \$200.00 shall be due at the time of application. This fee shall be prorated for peddler permits issued after October 1 according to a fraction rounded up to the number of months remaining in the fiscal year.

Any person who engages in peddling without first obtaining a peddler permit is subject to a penalty of 25% of the annual permit fee, in addition to any other penalty provided by law or ordinance. Each peddler permit shall be issued on an annual basis coinciding with the city's fiscal year, October 1 through September 30.

Any peddler permits in existence as of the revision date of this ordinance which currently do not coincide with the city's fiscal year will be required to pay a pro-rated renewal fee prior to expiration to extend the term of the existing permit to September 30, 2019.

(Code 1986, § 107.14; Ord. No. 19-04, § 9, 2-5-2019)

**Editor's note**— See note at § 18-580.

Sec. 18-582. - Renewal.

The City Manager or designee shall annually renew the peddler permit of any applicant who has provided the city with new or updated information, documents, and fees as indicated in this division, and who continues to meet all requirements of such sections.

Peddler permits not renewed prior to October 1 of each year will be assessed a delinquency penalty of 10% for the month of October, plus an additional 5% penalty for each subsequent month of delinquency until paid, up to a maximum delinquency penalty of 25%.

Any active peddler with a peddler permit that has not been renewed prior to January 31 of each year shall be referred to the Code Compliance Special Magistrate pursuant to Ch. 2 Article VI of the Code of Ordinances.

(Code 1986, § 107.23; Ord. No. 19-04, § 10, 2-5-2019)

**Editor's note**— See note at § 18-580.

Sec. 18-583. - Display.

Every permitted peddler shall have in his/her possession, and provide upon the request of any person, an unaltered copy of his/her peddler permit. Every peddler shall also be required to obtain a photo-identification badge as provided by the city Licensing Division which shall be attached to his/her clothing at all times while performing the functions described as peddling. Failure to provide either item shall be deemed a violation of this division.

(Code 1986, § 107.22; Ord. No. 19-04, § 11, 2-5-2019)

**Editor's note**— See note at § 18-580.

Sec. 18-584. - Revocation.

- (a) A permit obtained through fraud or through material misrepresentation on the permit holder's application is deemed void ab initio, and the city manager shall revoke the permit. Prior to revocation, the city manager or his/her designee shall provide the permit holder notice and an informal opportunity to be heard on the decision to revoke.
- (b) If a permit holder is found by the code enforcement special master or the county court to have violated the regulations set forth in this article two times within a three-year period, then the city manager may revoke the permit. Prior to revocation, the city manager or his designee shall provide the permit holder notice and an informal opportunity to be heard on the decision to revoke.
- (c) Any revocation of a permit under subsections (a) or (b) shall be for the duration of the current permitting period and for the subsequent permitting period.
- (d) The decision of the city manager or his designee, to revoke a permit, or the denial of a permit based on Sec. 18-578(7), or any disciplinary action or fine under this section shall be provided in writing to the permit holder. The revocation shall be appealable to the city commission at their next available meeting after providing a written notice of appeal with supporting documents to the city clerk within ten (10) days of receipt of the revocation.

(Code 1986, § 107.24; Ord. No. 19-04, § 12, 2-5-2019)

**Editor's note**— See note at § 18-580.

