



# City of Deltona

2345 Providence Blvd.  
Deltona, FL 32725

## Agenda

### City Commission Workshop

*Mayor John C. Masiarczyk Sr.*  
*Vice Mayor Chris Nabicht*  
*Commissioner Heidi Herzberg*  
*Commissioner Gary Mitch Honaker*  
*Commissioner Nancy Schleicher*  
*Commissioner Diane J. Smith*  
*Commissioner Brian Soukup*

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Monday, January 11, 2016

5:30 PM

2nd Floor Conference Room

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**1. CALL TO ORDER:**

**2. ROLL CALL – CITY CLERK:**

**3. PLEDGE TO THE FLAG:**

**PUBLIC COMMENTS: – Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.**

**4. BUSINESS:**

- A.** City of Deltona Strategic Plan, Chris Bowley, Planning and Development Services, (386) 878-8602.

**Background:**

The City of Deltona desired to create a new Strategic Plan that is achievable, used often, and is tied back to as the source of focused action. The City engaged the Florida Institute of Government to conduct two (2) Community Visioning & Strategic Planning Workshops to attain the most current topics of importance within the City from the City Commission's, public's, and staff's, perspective. The workshops were conducted on October 17, and November 7, 2015, and the priority objectives generated from those meetings were placed in the attached document as the City's Strategic Plan. As proposed, the Strategic Plan will be for a five (5) year period, to be revisited at the end of that time, and will also be used as the basis for a new Economic Development Element within the City's Comprehensive Plan. With the City Commission's conceptual approval of the document at this workshop, it will be brought to the City Commission for formal approval.

- B.** Discussion regarding the consideration of Resolution No. 2015-49, amending the City Commission Operating Guidelines and Meeting Rules and Procedures - Joyce Raftery,

City Clerk Department (386) 878-8502.

**Background:**

Staff has been asked to address how requests for presentations, proclamations, recognitions, awards and reports for an event or occurrence as part of the agenda packet are vetted through the system. The proposed change to Section Two, Meetings, (4) Manner of Addressing the Commission "h." (Page 5 of 11) of the City Commission Operating Guidelines and Meeting Rules and Procedures is being presented for the Commission's review and to provide direction to staff as necessary.

- C. Verbal update on Social Services, Chris Bowley, Planning and Development Services, (386) 878-8602.

**Background:**

The City of Deltona has a long history of providing for social services to assist its residents. In its early history, the City partnered with Volusia County and an independent community housing development organization (CHDO) to operate social services, as well as provide for a Social Services Building with part-time staff. Currently, the City operates a Community Development Section that administers the Neighborhood Stabilization Program (NSP), the Community Development Block Grant (CDBG), and the State Housing Initiatives Partnership (SHIP) that provides community and social assistance throughout the City. Within those programs, there have been Fair Housing Open Houses, Foreclosure Prevention Workshops, Health Summits, Access West Volusia, and Social Service Summits to assist the community. The purpose of this discussion is to address those efforts and recent community development activities throughout Volusia County that pertain to Deltona residents.

- D. Discussion regarding possible door to door solicitation ordinance. Becky Vose, Legal Department, (407-448-0111)

**Background:**

In 2012, the City Commission considered, but did not adopt an ordinance regulating door to door solicitations. A City Commissioner has asked that this subject be revisited. There is a Florida Statute (FS501.022) that requires a "Home Solicitation Permit" issued by the County Clerk's office for home solicitations everywhere in Florida. The permit is quite elaborate, in that it requires fingerprinting and background check before a permit is issued. Attached is a copy of the relevant Florida Statutes and a draft ordinance making failure to have a county issued permit an ordinance violation in Deltona.

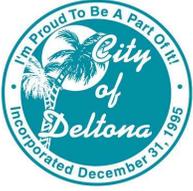
**5. CITY MANAGER COMMENTS:**

**6. ADJOURNMENT:**

*NOTE: If any person decides to appeal any decision made by the City Commission*

*with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).*

*Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.*



**Agenda Memo**

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**AGENDA ITEM:A.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 1/11/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 4 - A

**SUBJECT:**

City of Deltona Strategic Plan, Chris Bowley, Planning and Development Services, (386) 878-8602.

**LOCATION:**

N/A

**BACKGROUND:**

The City of Deltona desired to create a new Strategic Plan that is achievable, used often, and is tied back to as the source of focused action. The City engaged the Florida Institute of Government to conduct two (2) Community Visioning & Strategic Planning Workshops to attain the most current topics of importance within the City from the City Commission's, public's, and staff's, perspective. The workshops were conducted on October 17, and November 7, 2015, and the priority objectives generated from those meetings were placed in the attached document as the City's Strategic Plan. As proposed, the Strategic Plan will be for a five (5) year period, to be revisited at the end of that time, and will also be used as the basis for a new Economic Development Element within the City's Comprehensive Plan. With the City Commission's conceptual approval of the document at this workshop, it will be brought to the City Commission for formal approval.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

N/A

**POTENTIAL MOTION:**

N/A

**A List of Targeted  
Objectives to Achieve  
within 5-Years**

**City of Deltona  
Strategic Plan**



*Chris Bowley, AICP, Planning Director*

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## I. Introduction

The City of Deltona (City) is a relatively young community, historically speaking, having been established as an incorporated community in 1995. Although it has physically been a community since the early 1960s, it has grown into the largest city in Volusia County, with a population of over 87,000 residents in a short period of time. This rapid growth has led to the need to identify community goals that galvanize and focus City efforts for both short-range and long-range planning horizons.

The purpose of this Strategic Plan is to identify targeted achievable goals for a short-range planning horizon (no greater than 10 years). The City employed the assistance of Ms. Marilyn Crotty of the Florida Institute of Government at the University of Central Florida to facilitate a community vision to create common goals and objectives to place into this Strategic Plan. The Strategic Plan will also be used to create an Economic Development Element within the City's Comprehensive Plan to expand the short-range planning horizon into a longer-range version.

Two Community Visioning and Strategic Planning Workshops were conducted, one on October 17<sup>th</sup> and one on November 7<sup>th</sup>, 2015. The first meeting on October 17<sup>th</sup> was with residents and interested members of the community to create the topics to present to the City Commission for further focus. The second meeting on November 7<sup>th</sup> was with the City Commission and representatives of each City department to review the information provided from the community and to narrow it into a short list of priority objectives, to achieve within five years, as follows:

### Strategic Issues

1. **Economic Development:** Provide a strategic focused effort towards economic development throughout the City to enhance existing businesses and attract new businesses.
2. **Fiscal Issues:** Maintain current fiscal stability, maximize alternative funding sources, and promote an effective system of checks and balances.
3. **Infrastructure:** Focus on the expansion of park facilities, commercial utilities, technology, roadways and trails to make Deltona a more sustainable community.
4. **Internal and External Communication:** Provide consistent and effective communication that promotes economic development, civic pride and service delivery.
5. **Public Safety:** To provide quality high-level public safety services to the community through consistent regulations within a coordinated management plan process.
6. **Social Services:** Continue to foster a wide variety of effective and targeted social services for City residents. *Note: no priority objectives were listed for this issue.*



The names of the department per task are listed next to each objective, with a projected time period to complete, if not an on-going or already completed effort.

## II. Priority Objectives

From the above listed strategic issues, the following ranked priority objectives were created *(with the number of City Commissioner preferences listed in parentheses, where listed)*:

1. **Fiscal Issues** – create a grants management program: find and write grants, administer grants, and provide quarterly updates and pursue new/alternate revenue sources (6) – a grant writer was selected and will begin to assist on the following tasks:
  - New Senior Community Center – *Planning & Development Services; contact person Chris Bowley. Two year project completing in 2017.*
  - Improvements to the existing Community Center – *Parks & Recreation Department; contact person Steve Moore. Two year project following the new Senior Center.*
  - Transportation/CIP (i.e. Tivoli Dr. expansion, Normandy Blvd. construction, Howland Blvd./Catalina Dr. intersection, TPO listed roads, sidewalks, trails/bike lanes) – *Public Works Department; contact person Gerald Chancellor. Start Normandy Blvd. and Tivoli Dr. in 2016.*
  - Thornby Park HERE Project – *City Manager's Office; contact persons Jerry Mayes and Lee Lopez. Project based on available funding with decision in 2016.*
  - Veteran's Museum – *Parks & Recreation Department; contact person Steve Moore. On-going with available funding.*
  - Overall beautification grants – *Varies by department. Underway and on-going effort.*
  
2. **Economic Development** – update the economic development plan (including the Land Development Code) (5) – underway with real estate analysis with TVEDC and Phase III of the LDC to be adopted in 2016.
  - Team Volusia coordination and creation of a database of commercial properties on the Team Volusia website and City website (market analysis of available properties) – *Planning & Development Services; contact person Chris Bowley. Underway with completion in 2016.*
  - Determine the business niche for the City to target/pursue (i.e. medical campus/offices) – *Planning & Development Services; contact person Chris Bowley. Underway with completion in 2016.*
  - Focus on Howland Boulevard as the gateway for commercial growth (create a City Center and pursue acquisition of Casey property) – *Planning & Development Services; contact person Chris Bowley. On-going until all parcels are developed.*
  - Work with existing businesses to expand/grow, including a questionnaire and one-on-one site visits – *City Manager's Office; contact person Jerry Mayes. Questionnaire to be completed in 2016 and site visits on-going.*
  - Promote customer service environment, including creation of a one-stop shop concept and any required staff development/training to achieve it – *City Manager's Office; contact persons Jerry Mayes and Dale Baker. Underway with completion in 2016.*
  - Construct a Senior Community Center and prepare a business pro forma, including the need for an events manager – *Planning & Development Services; contact person Chris Bowley. Two year project completing in 2017.*



- Pursue the creation of CRA for Deltona Boulevard – *Planning & Development Services; contact person Ron Paradise. CRA submitted and obtain CRA authority/set-up within 2016.*
  - Create more diversified and high-quality housing opportunities to provide for all market demands – *Planning & Development Services; contact person Chris Bowley. Underway and on-going.*
3. **Economic Development** – analyze City-owned properties and determine their highest and best use, need for land acquisition/disposition, etc. (4) – underway with three efforts for real estate, parks, and utility master planning.
- Obtain master planning services, once the niche is determined – *Planning & Development Services; contact person Chris Bowley. Underway with completion in 2016.*
  - Review relocation of existing facilities (i.e. Public Works) – *Public Works Department; contact person Gerald Chancellor. Analyze properties in 2016, with funding, relocation within two years from funding date.*
4. **Public Safety** – strengthen code enforcement (abandoned properties, rental properties) (5) – underway with actions taken to notify residents of trash pick-up timing and letters sent to property owners to take action on sites in disrepair.
- Focus on the City’s beautification program (landscaping, trash removal, seasonal/holiday themes at the gateways, and major intersections) – *Enforcement Services; contact person Dale Baker. Underway and on-going.*
  - Fund and implement a demolition program for homes in disrepair. *Enforcement Services; contact person Dale Baker. Underway and on-going.*
  - Review the need for additional staff – *Enforcement Services; contact person Dale Baker. Underway and to be completed in 2016.*
5. **Public Safety** – pursue the ability of the City to be able to provide medical transport (4).
- Prepare a fire assessment fee cost-benefit analysis – *Fire Department; contact person Chief Bob Rogers. Underway with completion in 2016.*
  - Begin dialogue with Volusia County officials/staff – *Fire Department; contact person Chief Bob Rogers. Underway and on-going.*
  - Review the need for additional staff – *Fire Department; contact person Chief Bob Rogers. Underway and to be completed in 2016.*
  - Prepare a medical transport cost-benefit analysis – *Fire Department; contact person Chief Bob Rogers. To be completed in 2016.*
6. **Internal and External Communication** – improve intergovernmental coordination (advocacy, proper courthouse annex location) (4) – always a top priority and on-going effort.
- Proactively contact agencies and review mailing lists (especially for invitations to special events) – *City Manager’s Office; contact person Jerry Mayes. Underway and on-going.*
  - Conduct partnering sessions with County staff and State Legislature, with trips to Tallahassee, and review of lobbyist contract – *City Manager’s Office; contact person Jane Shang. Underway and on-going.*
  - Update the City’s media (City website) and broaden Deltona TV outreach – *City Manager’s Office; contact person Lee Lopez. Underway and on-going.*



- Mayor's Annual State of the City Address – *City Manager's Office; contact person Jane Shang. Underway and on-going.*
7. **Internal and External Communication** – develop a Deltona brand and improve image (4) – efforts underway since 2007 with request to update that information.
- Continue the partnership with FDOT for I-4 expansion and City beautification – *Planning & Development Services; contact person Chris Bowley. On-going with Bold Initiative Grant achieved in 2015.*
  - Beautify gateways and key locations – Howland Blvd./Graves Ave., Normandy Blvd./Saxon Blvd., Saxon Blvd./I-4, DeBary Ave./Deltona Blvd., City Hall, and City facilities (including lift stations, stormwater ponds, park entrances, etc.) – *Parks & Recreation Department; contact person Steve Moore. Underway and on-going.*
  - Solicit partnerships with businesses, schools, hospitals, and residents for information dissemination – *City Manager's Office; contact person Jerry Mayes. Underway and on-going.*
  - Create a new branding slogan and implement a new marketing campaign – *City Manager's Office; contact persons Jerry Mayes and Lee Lopez. Underway with completion in 2016.*
  - Conduct a needs assessment for social services and communicate resources for public benefit – *Planning & Development Services; contact person Chris Bowley. Two social services summits held with the third to be in February 2016. Resulting brochure will list services for the community and will be completed in 2016.*
8. **Infrastructure** – update the Parks and Recreation Master Plan (4) – combining efforts for parks and utility master plan for efficient land use planning.
- Engage a consultant for parks master planning – *Parks & Recreation; contact person Steve Moore. Underway and will be completed in 2016.*
  - Determine a sports facility niche for the City (define the 'stadium' concept) – *Parks & Recreation; contact person Steve Moore. Included in parks master planning in 2016.*
  - Expand existing park facilities (including lighting at Dwight Hawkins and Manny Rodriguez Parks) – *Parks & Recreation; contact person Steve Moore. Included in parks master planning in 2016.*
  - Work with schools, YMCA, and Council on Aging to develop recreational programs in partnership at Volusia County middle school sites utilizing existing infrastructure – *Parks & Recreation; contact person Steve Moore. Included in parks master planning in 2016.*
  - Review the amphitheater agreement for Lyonia Library – *City Attorney's Office; contact person Becky Vose. To be completed in 2016.*
9. **Infrastructure** – create a utility master plan consistent with zoning (water, sewer, natural gas, information technology, etc.) (4) – to be worked jointly with the parks and real estate master planning for greatest efficiency in long-range planning.
- Create a map that identifies existing infrastructure – *Planning & Development Services; contact person Chris Bowley. Underway and to be completed in 2016.*
  - Upon completion of a master development plan for the City, identify areas for utility expansion – *Public Works; contact person Gerald Chancellor. Underway and to be completed in 2016.*



- Preserve and increase the City's water supply (Farmton/SJRWMD/Deltona North) – *Public Works Department; contact person Gerald Chancellor. Underway and on-going.*
- Include requirements for utilities when reviewing site plans for permitting – *Public Works Department; contact person Gerald Chancellor. Underway and on-going.*
- Implement Phase I of the Transportation CIP program and develop Phase II of the Transportation CIP program for roads and sidewalks – *Public Works Department; contact person Gerald Chancellor. Underway and on-going.*
- Support a ½-cent to 1 cent sales tax for transportation projects, upon agreement of a methodology for distribution and eligible projects within the TPO – *Planning & Development Services; contact person Ron Paradise. Begin dialogue with the TPO in 2016.*

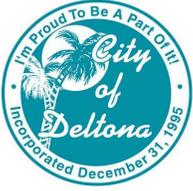
### **III. On-going Projects & Other Priority Objectives Identified**

#### On-going Projects

- Granicus implementation – *City Clerk; contact person Joyce Raftery.*
- TNR program – *Enforcement Services; contact person Dale Baker.*
- Health insurance alternative access (2) – *Human Resources; contact person Cara Burgess.*

#### Other Priority Objectives Identified

- City engagement and two-way communication (social media, advisory boards) (3) – *City Manager's Office; contact person Wendi Jackson.*
- Employee development and training (2); education and bonuses – *Human Resources; contact person Cara Burgess.*
- Explore multi-modal transportation opportunities with other government entities (2) – *Planning & Development Services; contact person Chris Bowley.*
- Community services summit for the provision of social services (2) and a needs assessment (1) – *Planning & Development Services; contact person Chris Bowley.*
- Maintain a balanced budget, reserves, and investments (1) – *Finance; contact person Bob Clinger.*
- Expand special events (1) – *Parks & Recreation; contact person Steve Moore.*
- Review the City's annexation policy (1) – *City Attorney's Office; contact person Becky Vose.*
- Support an Emergency Management Plan (1) – *Fire Department; contact person Chief Bob Rogers.*
- Continue to support the public safety education program/plan – *Fire Department; contact person Chief Bob Rogers.*



**Agenda Memo**

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**AGENDA ITEM: B.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 1/11/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 4 - B

**SUBJECT:**

Discussion regarding the consideration of Resolution No. 2015-49, amending the City Commission Operating Guidelines and Meeting Rules and Procedures - Joyce Raftery, City Clerk Department (386) 878-8502.

**LOCATION:**

N/A

**BACKGROUND:**

Staff has been asked to address how requests for presentations, proclamations, recognitions, awards and reports for an event or occurrence as part of the agenda packet are vetted through the system. The proposed change to Section Two, Meetings, (4) Manner of Addressing the Commission "h." (Page 5 of 11) of the City Commission Operating Guidelines and Meeting Rules and Procedures is being presented for the Commission's review and to provide direction to staff as necessary.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

City Clerk Department

**STAFF RECOMMENDATION PRESENTED BY:**

N/A - For discussion and direction to staff as necessary.

**POTENTIAL MOTION:**

N/A - For discussion and direction to staff as necessary.

**Deltona City Commission  
Operating Guidelines & Meeting Rules and Procedures**

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**SECTION ONE. OPERATING GUIDELINES FOR EFFECTIVE COMMISSION OPERATIONS.**

**Commission Policy Role:**

1. The City Commission is responsible for setting the policies.
2. The City Commission will formulate policy by determining the broadest policies before progressing to more narrow ones.
3. The City Commission and staff may initiate policy for City Commission approval. Individual Commission Members may bring forth initiatives that are of significance to the entire community.

**Maximizing Effectiveness:**

1. The City Commission recognizes that the expression of differences and debate will ensure that we have good public policy. In support of this, City Commissioner's opinions will be listened to respectfully.
2. The City Commission will be open to ideas from City Commission Members, the administration and the public.

**Commission-Mayor Role:**

1. The Mayor will be the official spokesperson for the City Commission, without limiting other City Commission Members' ability to speak on issues.

**Communication:**

1. The City's administration will provide the City Commission with all relevant information on matters of policy, including pros and cons, alternatives, and professional recommendations, in order that the City Commission may make an informed final decision.
2. Achieving mutual trust between the City Commission and the City administration and between the City Commission Members themselves should be a fundamental pursuit.
3. Open and regular communication will be used to insure that both the City Commission and the City's administration are informed so that neither is surprised or blind-sided on issues and questions.
4. The City Manager will insure that the City Commission is informed about issues that have impact on a major policy area, may attract media or public attention, or affect major stakeholders.

5. The City Commission may pass along information or request information directly from staff, after informing the City Manager, without directing staff.
6. The City Commission will annually review progress on its collective leadership, goals, priorities and operating guidelines to insure success/relevance.

**City Manager Performance Accountability:**

1. The City Manager will be evaluated on the accomplishment of the City Commission's stated goals.
2. Evaluation of the City Manager will be a collective act of the City Commission.
3. The City Commission will never give instructions to persons who report to the City Manager.
4. The City Commission will hold the City Manager accountable for staff performance and provide the City Manager with feedback about staff performance in a private setting.
5. Priorities of the City Manager will be defined by the City Commission's goals and priorities in support of the vision.

**SECTION TWO. MEETINGS.**

Meetings of the City Commission shall be held at City Hall, in the City Commission Chambers or a Conference Room, or at such other location in the City as designated by the City Commission or designee. All meetings shall be public meetings, with the exception of Executive Sessions which shall be closed to the public in accordance with Florida Statutes, and shall be subject to notice and other requirements of law applicable to public meetings.

To ensure the integrity of the public meeting process in open government, Commissioners shall be prohibited from accepting or sending any text communication via cell phone or other device during the course of a City Commission meeting. (Resolution No. 2009-14)

Members of the Commission are also prohibited from participating in any meetings of the City Commission by telephone/electronic processes. Members are required to be physically present in order to participate in a meeting of the City Commission. (Resolution No. 2010-42)

**A. Regular Meetings:**

- (1) The City Commission shall meet twice monthly. Meetings shall be held on the first and third Monday of each month, unless otherwise rescheduled due to a holiday or lack of City business. (Resolution No. 96-34)
- (2) Regular Meetings of the City Commission shall begin at 6:30 p.m.

(3) If the regularly scheduled meeting falls on a legal holiday, then the subsequent Monday or a day designated by the City Commission shall be deemed as the regularly scheduled meeting day. (Resolution No. 95-03)

(4) Written minutes shall be kept of all regular meetings.

**B. Special Meetings:**

(1) Special meetings may be called by the Mayor or in his or her absence, the Vice-Mayor. Special meetings may also be called upon the request of a majority of the City Commission. (Charter Section 8(c)) Meeting times shall preferably be in the afternoon or evening hours of weekdays or on Saturdays as necessary.

(2) The City Clerk shall provide not less than 12 hours prior notice of the meeting to the public, where practical. (Charter Section 8(c))

(3) Action by the City Commission in a special meeting shall be limited to the purpose for which the special meeting is called.

(4) Written minutes shall be kept of all special meetings.

**C. Workshop Meetings:**

(1) Workshop meetings may be scheduled during a regular meeting or called in the same manner as a special meeting; and shall be for discussion only with the exception in (2) below. Meeting times shall preferably be in the afternoon or evening hours of weekdays or on Saturdays as necessary.

(2) No official action shall be taken at workshop meetings except to recommend items to be considered at a regular or special meeting, or to give direction to the City Attorney or City Manager.

(3) Minutes shall be kept of all workshop meetings but shall not require approval by the City Commission.

**D. Public Hearings:**

(1) The City Clerk shall advertise all public hearings as required by law.

(2) The purpose of a public hearing is to determine support, objections and/or suggestions from the public to proposals and to determine if a proposed Ordinance or Resolution requires changes or adoption.

(3) Time of Public Hearings:

- a. Public hearings shall be held during a regular meeting of the Commission as placed on the Agenda.
- b. The City Commission may set a specific time during any meeting; or
- c. A special meeting may be called for the specific purpose of a public hearing.

(4) **Manner of Addressing the Commission.**

- a. Citizen comments may be made on items not on the agenda only during the time designated by the City Commission; otherwise, citizens may address the City Commission only on items under discussion.
- b. Each person addressing the City Commission has the right to speak for a timed period of four (4) minutes with a timer in clear view of the speaker: they shall step to the microphone; give his or her name and address clearly for the record; and shall be limited to four (4) minutes to address the City Commission, unless such time is expanded or contracted by the Mayor, or by the majority of the Commission.
- c. No person, other than a member of the City Commission and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the City Commission, without the permission of the Mayor.
- d. Personal attacks on any member of the City Commission on things that do not relate to City business shall be ruled out of order by the Mayor.
- e. Members of the City Commission shall not enter into discussion or respond to individuals' comments during the public forum other than to give directions or to ask for clarification.
- f. A City Commissioner shall not be asked a direct question except through the Mayor.
- g. Persons addressing the Commission may present oral or written communication in regard to matters under consideration with the permission of the Mayor, however, any written communications shall be copied to each member of the Commission, the Mayor, the City Attorney, the City Manager and the City Clerk.
- h. All recognitions of an individual or group to be submitted to the Commission as part of the agenda packet must be delivered to the City Clerk to allow sufficient time for copying and distribution to the City Commission. All recognitions must be tied to an accomplishment which is representative of the City, submissions are limited to a maximum of 10 minutes, a written summary with appropriate background information must be included and are subject to the approval of the City Manager and/or the Mayor whom may make additions and/or deletions at his/her discretion.

**(5) Procedures at Public Hearings for matters on the Agenda:**

- a. The Mayor shall introduce matters as established on the Agenda by reading the title of a proposed ordinance, resolution, agenda item, or other means. (Motion to table or continue may be made at this time.)
- b. Staff may give a report as appropriate.
- c. Presentation of proponent/applicant as appropriate.
- d. All other interested persons shall be allowed to give input into the announced subject.
- e. The public may be allowed to give input concerning the subject.
- f. Once the public participation is closed, the City Commission will take action on the subject matter by approval, denial, tabling the item indefinitely, or continuing to a certain date and time.

**SECTION THREE. AGENDA.**

- A. The City Clerk, or designee shall prepare the agendas for all meetings of the City Commission in accordance with the City Charter or as directed by the City Manager.
- B. All reports, communications, Ordinances, Resolutions, contract documents, or other materials, to be submitted to the Commission as part of the agenda packet must be delivered to the City Clerk by 5:00 p.m. on the Thursday, eleven (11) days prior to the regular meeting. Exceptions to this timeframe may apply if circumstances warrant.
- C. It shall be the option of the City Clerk, or the City Manager, to remove any items from the Agenda if the information is not furnished to the City Clerk as stated in "B" above.
- D. All materials for special and/or workshop meetings must be submitted to the City Clerk to allow sufficient time for copying and distribution to the City Commission. Special and workshop meeting agenda packets shall be prepared and distributed, whenever practical, at least three (3) days prior to the subject meeting.
- E. The City Clerk shall arrange the Agenda, subject to the approval of the City Manager who may make additions and/or deletions at his/her discretion, notwithstanding, the Agenda shall be completed by 12:00 Noon, Wednesday preceding the Regular Commission meeting.
- F. The City Clerk, or designee, will post the Regular Commission meeting agenda and all associated back-up material to the City's WebPage, no later than 5:00 p.m., the Wednesday preceding the Regular City Commission meeting. Special and workshop agendas shall be

prepared and posted as soon as possible and within guidelines established in the Charter and by State statute.

- G. Legislative action shall be taken only at the Regular City Commission meeting or at a special meeting called for the purpose of specific legislation.
- H. No action shall be taken on matters not on the agenda, including during citizen comments or Commission comments; however, if necessary, an item may be added to an agenda upon the proper motion, second and majority vote provided no additional information is required.
- I. The report from the City Manager should list by item all legislative actions or discussions of legislative action being requested by the administration; such items may be added to the Agenda pursuant to Paragraph "H".
- J. The report from the City Attorney may be added to the Agenda when necessary to inform the City Commission of the status of legislative and other directed issues.
- K. The public forum part of the meeting shall be prior to the consent agenda.
- L. Any citizen wishing to make a presentation to the City Commission must submit their request to the Office of the City Clerk no later than 12:00 Noon on the Monday prior to the City Commission meeting. The request must be approved by the City Manager. Presentations will be limited to ten (10) minutes.
- M. Any member of the City Commission who wishes to make a presentation to the City Commission must receive permission from the City Commission at a previous meeting.
- N. At the City Commission comments portion of the meeting, any member of the City Commission may address the record to make a statement regarding public comments or any other issue.

#### **SECTION FOUR. PRESIDING OFFICER DUTIES.**

- A. The Mayor shall be the Presiding officer of the City Commission meetings, sign or execute ordinances, and be recognized as the ceremonial head of the City government. The Mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the City Commission, consistent with general or special law. (Charter, Section 5 (4) (b)). The Vice-Mayor shall be elected annually at the first regular City Commission meeting after the general election. In the absence of the Mayor, the Vice-Mayor shall be Acting Mayor. In the case the Mayor and Vice Mayor are both absent, then the remaining City Commissioners shall select a City Commissioner to serve as Acting Mayor. (Charter, Section 5 (5) (b)).
- B. The Mayor shall preserve strict order and decorum at all meetings of the City Commission. He or she shall state every question coming before the City Commission, announce the

decision of the City Commission on all subjects and decide all questions of order; subject, however, to an appeal to the City Commission upon such questions, in which event a majority vote of the City Commission shall conclusively govern and determine such question of order. The Mayor shall vote on all questions, his/her name being called last.

#### **SECTION FIVE. QUORUM.**

The City Charter provides that a majority of the City Commission shall constitute a quorum. No action of the City Commission shall be valid unless adopted by an affirmative vote of the majority of the Commissioners in attendance, unless otherwise provided by law or stated herein. (Charter Section 5 (8b)). In cases where Commissioner(s) leave a meeting early, once there is no longer a majority present, the meeting is to end and no further action may be taken.

#### **SECTION SIX. CALL TO ORDER.**

- A. The Mayor (as described in Section Four) shall take the chair precisely at the hour appointed for the meeting and shall immediately call the Commission meeting to order.
- B. In the absence of the Mayor and Vice Mayor (as described in Section Four) the City Clerk shall call the Commission to order, whereupon a temporary chairman shall be selected by the members of the City Commission present. Upon the arrival of the Mayor, the temporary chairman shall immediately relinquish the chair upon the conclusion of the current business.

#### **SECTION SEVEN. ROLL CALL.**

Before proceeding with the business of the Commission, the City Clerk shall call the roll of the members and the names of those present, and of those absent, shall be entered in the minutes.

#### **SECTION EIGHT. MINUTES APPROVAL.**

Each member of the City Commission shall be furnished, in advance, with a copy of the minutes and unless there are any changes requested, the minutes will be approved by unanimous consent. If corrections are made to the minutes, they can be approved, as amended, by unanimous consent. If any objection is raised, the approval of the minutes will be by formal motion.

#### **SECTION NINE. RULES OF DEBATE.**

- A. The Mayor shall introduce matters as established on the Agenda by reading the title of a proposed ordinance, resolution, agenda item, or other means. (Motion to table or continue may be made at this time.)
- B. Action on items before the City Commission shall be commenced by oral motion of a Commission member. Upon said motion receiving a second by a Commission member other than he or she who made the original motion, said item should then be opened for discussion. At the conclusion of discussion, action on the motion shall be concluded by the use of an

electronic voting system or voice vote as required. The Commission members making the motion and seconding it shall not be required to vote in favor of said motion.

- C. Obtaining the floor: Every Commissioner desiring to speak shall address the chair and, upon recognition by the Mayor, shall confine himself to the question under debate, avoiding all personalities and indecorous language. Each Commissioner can only speak twice on a motion. Improper reference must be avoided.
- D. Interruptions: A Commissioner, once recognized, shall not be interrupted when speaking unless to call him or her to order, or as herein otherwise provided. If a member, while speaking, were called to order, he or she shall cease speaking until the question of order is determined and, if in order, shall be permitted to proceed.
- E. Withdrawal of motion: Any motion before the City Commission may be withdrawn at any time prior to a vote being taken thereon by the Commission member making the motion, upon agreement by the Commission member seconding said motion.
- F. Amending of motions: At any time during discussion of a motion on the floor, a motion to amend said motion may be made. If the amending motion is seconded, the Commission shall, at the conclusion of the discussion, first vote on the amending motion and then upon the original motion as amended. An amending motion may be withdrawn in the same manner as set forth in Paragraph "E" above.
- G. Closing the Debate: The Mayor shall repeat the motion prior to the calling of the question, at which time the debate is closed.

#### **SECTION TEN. MOTIONS AND VOTING.**

- A. All actions by the City Commission shall be by Motion, Ordinance, or Resolution. (Charter Section 5(8b)).
- B. Every Motion shall be clearly stated, including direction, to whom it is given, specific dates, or time frame, by which the action is to be taken, and any stipulation or condition, which may be applicable.
- C. For withdrawal of motion and amending motions, refer to Section Nine (9), "D" and "E".
- D. For proper procedure on various motions, refer to Robert's Rules of Order as a source.
- E. All motions shall be made in the affirmative and shall not include opinions, observations, and/or personal views on the subject.
- F. In the event there is no second to the motion, it dies for lack of a second.

- G. Abstaining from voting: No member of the City Commission shall abstain from voting except as provided in the Florida State Statutes, Chapter 112.3143, if the issue would inure to the person's private gain. Accordingly, he or she must publicly state the nature of his or her interest in the issue at the time the item is to be considered, and within fifteen (15) days after the abstention, he or she must file a "Memorandum of Voting Conflict", with the City Clerk. The proper form is available in the City Clerk's office. The Memorandum(s) will be attached to the minutes of that meeting and made a part thereof.

## **SECTION ELEVEN. ORDINANCES AND RESOLUTIONS.**

### **A. Ordinances:**

1. The provisions in the City Charter and Florida State Statutes, shall govern the preparation and passage or adoption of all Ordinances.
2. The title of each Ordinance must be read for passage or adoption by the City Attorney prior to the vote.
3. The Mayor, City Commissioners, City Manager or the City Clerk may request that the City Attorney prepares an Ordinance to be considered at a future meeting. All requests, except from the City Commission, shall be directed through the office of the City Manager.
4. The form of each Ordinance shall be as approved by the City Attorney, unless otherwise directed by the City Commission.

### **B. Resolutions:**

1. All items in Section 11-A above shall also be applicable to Resolutions.
2. Resolutions may include Approval of a Contract or Agreement, authorizing its execution; Appointments to Boards, City Commissions, and Committees; and such other matters which may be determined by the City Commission and/or the City Manager.

## **SECTION TWELVE. SOURCE OF RULES OF ORDER.**

Robert's Rules of Order, as revised, shall be the source to serve as the guidelines for City Commission Rules of Order in lieu of other direction as stipulated in the current City Commission Rules & Procedures.

## **SECTION THIRTEEN. EFFECTIVE DATE OF OPERATING GUIDELINES, RULES & PROCEDURES.**

Adopted by Resolution No. 99-24, effective March 15, 1999; Amended by Resolution No. 2006-51, adopted on November 6, 2006 with an effective date of January 1, 2007; Amended by

Commission motion on November 20, 2006; Amended by Resolution No. 2008-06, adopted on February 18, 2008; Amended by Resolution No. 2009-14, adopted on April 20, 2009; Amended by Resolution No. 2010-42, adopted on December 13, 2010.

DRAFT

**RESOLUTION NO. 2015-49**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; PROVIDING FOR THE AMENDMENT OF THE CITY COMMISSION'S OPERATING GUIDELINES AND MEETING RULES AND PROCEDURES; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Commission of the City of Deltona has determined that it is in the best interests of the City to adopt rules and procedures to govern actions at City Commission meetings and the Commission agenda process; and

**WHEREAS**, the City Commission adopted such Meeting Rules and Procedures on March 14, 1999, as amended on November 6, 2006, February 18, 2008, April 20, 2009, December 13, 2010, March 7, 2011 and March 2, 2015; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Deltona, Volusia County, Florida, as follows:

**SECTION 1.** SECTION TWO, MEETINGS, of the Operating Guidelines & Meeting Rules and Procedures is amended to read as follows:

**(4) Manner of Addressing the Commission:**

- h. All recognitions of an individual or group to be submitted to the Commission as part of the agenda packet must be delivered to the City Clerk to allow sufficient time for copying and distribution to the City Commission. All recognitions must be tied to an accomplishment which is representative of the City, submissions are limited to a maximum of 10 minutes, a written summary with appropriate background information must be included and are subject to the approval of the City Manager and/or the Mayor whom may make additions and/or deletions at his/her discretion.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

BY: \_\_\_\_\_  
JOHN C. MASIARCZYK, SR., Mayor

ATTEST:

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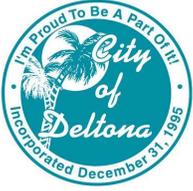
JOYCE RAFTERY, CMC, MMC, City Clerk

Approved as to form and legality for use  
and reliance of the City of Deltona, Florida

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GRETCHEN R. H. VOSE, City Attorney

DRAFT



**Agenda Memo**

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**AGENDA ITEM:C.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 1/11/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 4 - C

**SUBJECT:**

Verbal update on Social Services, Chris Bowley, Planning and Development Services, (386) 878-8602.

**LOCATION:**

N/A

**BACKGROUND:**

The City of Deltona has a long history of providing for social services to assist its residents. In its early history, the City partnered with Volusia County and an independent community housing development organization (CHDO) to operate social services, as well as provide for a Social Services Building with part-time staff. Currently, the City operates a Community Development Section that administers the Neighborhood Stabilization Program (NSP), the Community Development Block Grant (CDBG), and the State Housing Initiatives Partnership (SHIP) that provides community and social assistance throughout the City. Within those programs, there have been Fair Housing Open Houses, Foreclosure Prevention Workshops, Health Summits, Access West Volusia, and Social Service Summits to assist the community. The purpose of this discussion is to address those efforts and recent community development activities throughout Volusia County that pertain to Deltona residents.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

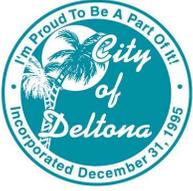
Planning and Development Services

**STAFF RECOMMENDATION PRESENTED BY:**

N/A

**POTENTIAL MOTION:**

N/A



## Agenda Memo

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**AGENDA ITEM:D.**

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**TO:** Mayor and Commission

**AGENDA DATE:** 1/11/2016

**FROM:** Jane K. Shang, City Manager

**AGENDA ITEM:** 4 - D

**SUBJECT:**

Discussion regarding possible door to door solicitation ordinance. Becky Vose, Legal Department, (407-448-0111)

**LOCATION:**

City wide

**BACKGROUND:**

In 2012, the City Commission considered, but did not adopt an ordinance regulating door to door solicitations. A City Commissioner has asked that this subject be revisited. There is a Florida Statute (FS501.022) that requires a "Home Solicitation Permit" issued by the County Clerk's office for home solicitations everywhere in Florida. The permit is quite elaborate, in that it requires fingerprinting and background check before a permit is issued. Attached is a copy of the relevant Florida Statutes and a draft ordinance making failure to have a county issued permit an ordinance violation in Deltona.

**COST:**

N/A

**SOURCE OF FUNDS:**

N/A

**ORIGINATING DEPARTMENT:**

Legal Department

**STAFF RECOMMENDATION PRESENTED BY:**

Becky Vose - Recommend review possibility for adoption of door to door solicitation ordinance.

**POTENTIAL MOTION:**

N/A

Select Year:  

## The 2015 Florida Statutes

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<u>Title XXXIII</u>	<u>Chapter 501</u>	<u>View Entire</u>
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS	CONSUMER PROTECTION	<u>Chapter</u>

**501.021 Home solicitation sale; definitions.**—As used in ss. [501.021-501.055](#):

(1) “Home solicitation sale” means a sale, lease, or rental of consumer goods or services with a purchase price in excess of \$25 which includes all interest, service charges, finance charges, postage, freight, insurance, and service or handling charges, whether under single or multiple contracts, made pursuant to an installment contract, a loan agreement, other evidence of indebtedness, or a cash transaction or other consumer credit transaction, in which:

(a) The seller or a person acting for him or her engages in a personal solicitation of the sale, lease, or rental at a place other than at the seller’s fixed location business establishment where goods or services are offered or exhibited for sale, lease, or rental, and

(b) The buyer’s agreement or offer to purchase is given to the seller and the sale, lease, or rental is consummated at a place other than at the seller’s fixed location business establishment,

including a transaction unsolicited by the consumer and consummated by telephone and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services. It does not include a sale, lease, or rental made at any fair or similar commercial exhibit or a sale, lease, or rental that results from a request for specific goods or services by the purchaser or lessee or a sale made by a motor vehicle dealer licensed under s. [320.27](#) which occurs at a location or facility open to the general public or to a designated group.

(2) “Business day” means any calendar day except Sunday or a federal holiday.

(3) “Future delivery” means delivery more than 3 business days after the buyer signs an agreement or offer to purchase.

**History.**—ss. 1, 4, ch. 70-363; s. 1, ch. 71-65; s. 1, ch. 77-350; s. 1, ch. 86-144; s. 1, ch. 87-344; s. 610, ch. 97-103; s. 10, ch. 97-250.

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Select Year:  

## The 2015 Florida Statutes

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<u>Title XXXIII</u>	<u>Chapter 501</u>	<u>View Entire</u>
REGULATION OF TRADE, COMMERCE, INVESTMENTS, AND SOLICITATIONS	CONSUMER PROTECTION	<u>Chapter</u>

### **501.022 Home solicitation sale; permit required.--**

(1)(a) It is unlawful for any person to conduct any home solicitation sale, as defined in s. [501.021](#), or to supervise excluded minors conducting such sales provided in subparagraph (b)5., in this state without first obtaining a valid home solicitation sale permit as provided in this section.

(b) The following are excluded from the operation of this section:

1. Bona fide agents, business representatives, or salespersons making calls or soliciting orders at the usual place of business of a customer regarding products or services for use in connection with the customer's business.

2. Solicitors, salespersons, or agents making a call or business visit upon the express invitation, oral or written, of an inhabitant of the premises or her or his agent.

3. Telephone solicitors, salespersons, or agents making calls which involve transactions that are unsolicited by the consumer and consummated by telephone and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services.

4. Solicitors, salespersons, or agents conducting a sale, lease, or rental of consumer goods or services by sample, catalog, or brochure for future delivery.

5. Minors, as defined in s. [1.01\(13\)](#), conducting home solicitation sales under the supervision of an adult supervisor who holds a valid home solicitation sale permit. Minors excluded from operation of this section must, however, carry personal identification which includes their full name, date of birth, residence address, and employer and the name and permit number of their adult supervisor.

6. Those sellers or their representatives that are currently regulated as to the sale of goods and services by chapter 475 or chapter 497.

7. Solicitors, salespersons, or agents making calls or soliciting orders on behalf of a religious, charitable, scientific, educational, or veterans' institution or organization holding a sales tax exemption certificate under s. [212.08\(7\)](#).

(2) Applicants for permits shall file sworn applications in writing with the clerk of the circuit court for the county in which applicants intend to conduct home solicitation sales. The clerk of the circuit court for the county is authorized to impose a reasonable permit fee sufficient to offset the administrative costs associated with the permitting procedure. Each application shall be on a form as required by the clerk of the circuit court for the county receiving the application, but shall contain the following as a minimum:

- (a) Full name of applicant.
- (b) Date of birth of applicant.
- (c) Race and sex of applicant.
- (d) Permanent residence address of applicant.

- (e) Local residence address of applicant.
- (f) Name and address of applicant's employer.
- (g) Two recent color photographs of applicant.
- (h) A statement as to whether or not the applicant has been convicted of or has pleaded guilty or nolo contendere to any crime, the nature of the offense, and the punishment or penalty assessed therefor.

(i) A complete set of fingerprints taken by an authorized law enforcement agency.

(3) Upon receipt of a sworn application for a home solicitation sale permit, the clerk of the circuit court for the county shall submit the fingerprints to the Department of Law Enforcement for state processing and a copy of the application to the sheriff for a local criminal background investigation. Both the Department of Law Enforcement and the sheriff shall report any criminal justice information to the clerk of the circuit court for the county within 60 days after receipt of the fingerprints and copy of application.

(4) A clerk of the circuit court for the county may revoke, suspend, or deny the issuance of any home solicitation sale permit if it is determined that an applicant or permitholder has:

(a) Been convicted of, or entered a plea of guilty or nolo contendere to, a crime against the laws of this state or any other state or the United States, involving moral turpitude, fraudulent or dishonest dealing, or the illegal use or sale of a controlled substance, or been convicted of, or entered a plea of guilty or nolo contendere to, a violation of any of the provisions of ss. 501.021-501.055.

(b) Has obtained a permit by fraud, false statement, misrepresentation, or failure to truthfully answer any question in the required permit application.

(c) Has failed to obtain required county or municipal occupational licenses.

(d) Has failed in any material respect to comply with the provisions of ss. 501.021-501.055.

(5) Whenever any person, after applying for or receiving a home solicitation sale permit, moves from the address named in such application or in the permit issued to her or him or when the name of a permitholder is changed by marriage or otherwise, such person shall within 15 days thereafter notify the issuing clerk of the circuit court for the county in writing of her or his old and new addresses or of which former and new names and of the number of her or his permit.

(6) The issuing clerk of the circuit court for the county shall notify each applicant or permitholder of a decision to deny, suspend, or revoke a permit by certified mail sent to any one of the last addresses submitted by the applicant or permitholder.

(7) If the investigation provided for in subsection (3) reveals no grounds for denial of a home solicitation sale permit, the clerk of the circuit court for the county shall issue a home solicitation sale permit in the form of a laminated identification card which shall bear the photograph of the permitholder; the permitholder's full name, date of birth, race, and sex; the name and address of the permitholder's employer or the statement "self-employed"; the signature of the permitholder; a permit number; an expiration date; and a telephone number of the issuing clerk's office which consumers may call to verify the validity of the permit. A permit issued hereunder shall be valid for a period of 1 year from the date of issuance unless earlier revoked as provided for in this section.

(8) Every permitholder shall carry the permit and certificate required by this section at all times while engaged in home solicitation sales and shall display the same to all prospective buyers before initiating the solicitation of a sale, lease, or rental.

**History.**—s. 2, ch. 86-144; s. 2, ch. 87-344; s. 113, ch. 93-399; s. 611, ch. 97-103; s. 11, ch. 97-250; s. 44, ch. 2000-154; s. 145, ch. 2004-301; s. 138, ch. 2008-4.

**ORDINANCE NO. 06 – 2016**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 22, “BUSINESSES”, BY CREATING A NEW ARTICLE IX, “HOME SOLICITATION SALES,” OF THE DELTONA CODE OF ORDINANCES, REQUIRING A HOME SOLICITATION SALE PERMIT UNDER F.S. 501.022; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA:**

**SECTION 1.** Chapter 22, “Businesses” of the Code of Ordinances of the City of Deltona is hereby amended by the addition of a new Article IX, “Home Solicitation Sales” to read as follows:

**ARTICLE IX. - HOME SOLICITATION SALES**

Sec. 22-245. – Definition

“Home solicitation sale” means a sale, lease, or rental of consumer goods or services with a purchase price in excess of \$25 which includes all interest, service charges, finance charges, postage, freight, insurance, and service or handling charges, whether under single or multiple contracts, made pursuant to an installment contract, a loan agreement, other evidence of indebtedness, or a cash transaction or other consumer credit transaction, in which:

- (a) The seller or a person acting for him or her engages in a personal solicitation of the sale, lease, or rental at a place other than at the seller’s fixed location business establishment where goods or services are offered or exhibited for sale, lease, or rental, and
- (b) The buyer’s agreement or offer to purchase is given to the seller and the sale, lease, or rental is consummated at a place other than at the seller’s fixed location business establishment,

including a transaction unsolicited by the consumer and consummated by telephone and without any other contact between the buyer and the seller or its representative prior to delivery of the goods or performance of the services. It does not include a sale, lease, or rental made at any fair or similar commercial exhibit or a sale, lease, or rental that results from a request for specific goods or services by the purchaser or lessee or a sale made by a motor vehicle dealer licensed under Florida Statutes, Section 320.27 which occurs at a location or facility open to the general public or to a designated group.

Sec. 22-246. – Home Solicitation Permit Required

It shall be unlawful for any person to conduct any home solicitation sale or to supervise excluded minors conducting such sales in the City of Deltona without having a current and validly issued Home Solicitation Permit issued by the Clerk of Court of Volusia County pursuant to Florida Statutes, Section 501.022. The exclusions under Florida Statutes, Section 501.022 shall be exclusions under this ordinance.

Sec. 22-247. - Penalties

Any person who violates this Article, or who violates the provisions of Florida Statutes, Section 501.021, et seq. in the City of Deltona, shall be punished by a fine not exceeding \$500.00 or imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment in the discretion of the court. If committed in the presence of a law enforcement officer, any act declared unlawful in this Article shall be considered to be an arrestable offense. Alternatively, this Article may be enforced through the City’s Special Magistrate as an ordinance violation with a penalty of \$250 for the first offense, and \$500 for the second and subsequent offenses.

**SECTION 2. CONFLICTS.** All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

**SECTION 3. CODIFICATION.** The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered or relettered to accomplish such intention.

**SECTION 4. SEVERABILITY.** In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its final passage and adoption.

**PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**FIRST READING:** \_\_\_\_\_

**ADVERTISED:** \_\_\_\_\_

**SECOND READING:** \_\_\_\_\_

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**JOHN C. MASIARCZYK SR., MAYOR**

**ATTEST:**

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**JOYCE RAFTERY, CITY CLERK**

Approved as to form and legality for use  
and reliance by the City of Deltona, Florida

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**GRETCHEN R. H. VOSE, CITY ATTORNEY**