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3 **RESOLUTION NO. 88-2022 OF THE CITY OF LAKE WORTH BEACH,**  
4 **FLORIDA, ACKNOWLEDGING CITY COMMISSION'S CONTINUED**  
5 **COMMITMENT TO ENFORCEMENT OF LAWS TO PROTECT PUBLIC**  
6 **SAFETY WHILE RESPECTING FIRST AMENDMENT RIGHTS;**  
7 **PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE**  
8 **DATE**  
9

10 **WHEREAS**, the City Commission is committed to its responsibility to its residents  
11 and visitors to ensure public safety within the City; and

12  
13 **WHEREAS**, the City Commission is also committed to upholding its residents and  
14 visitors' First Amendment rights to free speech and complying with the caselaw governing  
15 these rights; and

16  
17 **WHEREAS**, the current state of the law in Florida prohibits local governments from  
18 prohibiting the exercise of First Amendment rights that are associated with panhandling;  
19 however, law enforcement may continue to enforce laws that address threats to public  
20 safety; and

21  
22 **WHEREAS**, there are several state statutes that protect residents and visitors and  
23 these statutes have been and will continue to be enforced; and

24  
25 **WHEREAS**, Section 784.011, Florida Statutes, prohibits the offense of an assault  
26 which is "an intentional, unlawful threat by word or act to do violence to the person of  
27 another, coupled with an apparent ability to do so, and doing some act which creates a  
28 well-founded fear in such other person that such violence is imminent"; and

29  
30 **WHEREAS**, Section 784.03, Florida Statutes, prohibits the offense of a battery  
31 which "occurs when a person actually and intentionally touches or strikes another person  
32 against the will of the other; or intentionally causes bodily harm to another person"; and

33  
34 **WHEREAS**, Section 316.2045, Florida Statutes, prohibits a person, in certain  
35 instances, from willfully "obstruct[ing] the free, convenient, and normal use of a public  
36 street, highway, or road..."; and

37  
38 **WHEREAS**, Section 856.021, Florida Statutes, provides that it is "unlawful for any  
39 person to loiter or prowl in a place, at a time or in a manner not usual for law-abiding  
40 individuals, under circumstances that warrant a justifiable and reasonable alarm or  
41 immediate concern for the safety of person or property in the vicinity"; and

42  
43 **WHEREAS**, the Palm Beach County Sheriff's Office remains steadfast in its  
44 continued enforcement of the laws highlighted above and other applicable laws to ensure

45 the safety of residents and visitors of the City and to continue to respect individuals  
46 lawfully exercising their First Amendment rights; and  
47

48 **WHEREAS**, the City Commission finds that this resolution serves a public purpose  
49 and is in the best interests of the City.  
50

51 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF LAKE**  
52 **WORTH BEACH, FLORIDA, that:**  
53

54 **SECTION 1:** The foregoing recitals are incorporated into this Resolution as true  
55 and correct findings of the City.  
56

57 **SECTION 2:** The City Commission and the Palm Beach County Sheriff's Office  
58 remain steadfast in their continued enforcement of the laws highlighted above and other  
59 applicable laws to ensure the safety of residents and visitors of the City while respecting  
60 the lawful exercise of First Amendment rights; and  
61

62 **SECTION 3:** All resolutions or parts of resolutions in conflict with the provision of  
63 this resolution are hereby repealed.  
64

65 **SECTION 4:** In the event that any word, phrase, clause, sentence, or paragraph  
66 hereof shall be held invalid by any court of competent jurisdiction, such holding shall not  
67 affect any other word, clause, phrase, sentence, or paragraph hereof.  
68

69 **SECTION 5:** This resolution shall become effective upon adoption.

70 The passage of this resolution was moved by Commissioner \_\_\_\_\_,  
71 seconded by Commissioner \_\_\_\_\_, and upon being put to a vote, the vote  
72 was as follows:

- 73 Mayor Betty Resch
- 74 Vice Mayor Christopher McVoy
- 75 Commissioner Sarah Malega
- 76 Commissioner Kimberly Stokes
- 77 Commissioner Reinaldo Diaz
- 78

79 The Mayor thereupon declared this resolution duly passed and adopted on the  
80 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

81 LAKE WORTH BEACH CITY COMMISSION

82  
83  
84 By: \_\_\_\_\_  
85 Betty Resch, Mayor

86 ATTEST:

87  
88 \_\_\_\_\_  
89 Melissa Ann Coyne, CMC, City Clerk