

HB 1415

2006
CS

CHAMBER ACTION

1 The Transportation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to traffic control; amending s. 316.2045,
7 F.S.; exempting certain nonprofit organizations from
8 permit requirements related to obstructing streets or
9 roads for solicitation purposes; establishing conditions
10 certain nonprofit organizations must meet in order to
11 solicit charitable donations on certain streets, roads,
12 and rights-of-way; authorizing local governments to halt
13 solicitation activities if such conditions are not met;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (3) of section 316.2045, Florida
19 Statutes, is amended to read:

20 316.2045 Obstruction of public streets, highways, and
21 roads.--

22 (3) Permits for the use of any street, road, or right-of-
23 way not maintained by the state may be issued by the appropriate

HB 1415

2006
CS

24 | local government. An organization that is qualified under s.
25 | 501(c)(3) of the Internal Revenue Code and registered under
26 | chapter 496, or a person or organization acting on behalf of
27 | that organization, is exempt from local requirements for a
28 | permit issued under this subsection for charitable solicitation
29 | activities on or along streets or roads that are not maintained
30 | by the state under the following conditions:

31 | (a) The organization, or the person or organization acting
32 | on behalf of the organization, must provide all of the following
33 | to the local government:

34 | 1. No fewer than 14 calendar days prior to the proposed
35 | solicitation, the name and address of the person or organization
36 | that will perform the solicitation and the name and address of
37 | the organization that will receive funds from the solicitation.

38 | 2. For review and comment, a plan for the safety of all
39 | persons participating in the solicitation, as well as the
40 | motoring public, at the locations where the solicitation will
41 | take place.

42 | 3. Specific details of the location or locations of the
43 | proposed solicitation and the hours during which the
44 | solicitation activities will occur.

45 | 4. Proof of commercial general liability insurance against
46 | claims for bodily injury and property damage occurring on
47 | streets, roads, or rights-of-way or arising from the solicitor's
48 | activities or use of the streets, roads, or rights-of-way by the
49 | solicitor or the solicitor's agents, contractors, or employees.
50 | The insurance shall have a limit of not less than \$1 million per
51 | occurrence for the general aggregate. The certificate of

HB 1415

2006
CS

52 insurance shall name the local government as an additional
53 insured and shall be filed with the local government no later
54 than 72 hours before the date of the solicitation.

55 5. Proof of registration with the Department of
56 Agriculture and Consumer Services pursuant to s. 496.405 or
57 proof that the soliciting organization is exempt from the
58 registration requirement.

59 (b) Organizations or persons meeting the requirements of
60 subparagraphs (a)1.-5. may solicit for a period not to exceed 10
61 cumulative days within 1 calendar year.

62 (c) All solicitation shall occur during daylight hours
63 only.

64 (d) Solicitation activities shall not interfere with the
65 safe and efficient movement of traffic and shall not cause
66 danger to the participants or the public.

67 (e) No person engaging in solicitation activities shall
68 persist after solicitation has been denied, act in a demanding
69 or harassing manner, or use any sound or voice-amplifying
70 apparatus or device.

71 (f) All persons participating in the solicitation shall be
72 at least 18 years of age and shall possess picture
73 identification.

74 (g) Signage providing notice of the solicitation shall be
75 posted at least 500 feet before the site of the solicitation.

76 (h) The local government may stop solicitation activities
77 if any conditions or requirements of this subsection are not
78 met.

79 Section 2. This act shall take effect July 1, 2006.