

1 A bill to be entitled

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

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Subsection (3) of section 316.2045, Florida
15 Statutes, is amended to read:

16 316.2045 Obstruction of public streets, highways, and
17 roads.--

18 (3) Permits for the use of any street, road, or right-of-
19 way not maintained by the state may be issued by the appropriate
20 local government. An organization that is qualified under s.
21 501(c)(3) of the Internal Revenue Code and registered under
22 chapter 496, or a person or organization acting on behalf of
23 that organization, is exempt from local requirements for a
24 permit issued under this subsection for charitable solicitation
25 activities on or along streets or roads that are not maintained
26 by the state under the following conditions:

27 (a) The organization, or the person or organization acting
28 on behalf of the organization, must provide all of the following
29 to the local government:

30 1. No fewer than 14 calendar days prior to the proposed
31 solicitation, the name and address of the person or organization
32 that will perform the solicitation and the name and address of
33 the organization that will receive funds from the solicitation.

34 2. For review and comment, a plan for the safety of all
35 persons participating in the solicitation, as well as the
36 motoring public, at the locations where the solicitation will
37 take place.

38 3. Specific details of the location or locations of the
39 proposed solicitation and the hours during which the
40 solicitation activities will occur.

41 4. Proof of commercial general liability insurance against
42 claims for bodily injury and property damage occurring on
43 streets, roads, or rights-of-way or arising from the solicitor's
44 activities or use of the streets, roads, or rights-of-way by the
45 solicitor or the solicitor's agents, contractors, or employees.
46 The insurance shall have a limit of not less than \$1 million per
47 occurrence for the general aggregate. The certificate of
48 insurance shall name the local government as an additional
49 insured and shall be filed with the local government no later
50 than 72 hours before the date of the solicitation.

51 5. Proof of registration with the Department of
52 Agriculture and Consumer Services pursuant to s. 496.405 or

53 | proof that the soliciting organization is exempt from the
54 | registration requirement.

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

58 | (c) All solicitation shall occur during daylight hours
59 | only.

60 | (d) Solicitation activities shall not interfere with the
61 | safe and efficient movement of traffic and shall not cause
62 | danger to the participants or the public.

63 | (e) No person engaging in solicitation activities shall
64 | persist after solicitation has been denied, act in a demanding
65 | or harassing manner, or use any sound or voice-amplifying
66 | apparatus or device.

67 | (f) All persons participating in the solicitation shall be
68 | at least 18 years of age and shall possess picture
69 | identification.

70 | (g) Signage providing notice of the solicitation shall be
71 | posted at least 500 feet before the site of the solicitation.

72 | (h) The local government may stop solicitation activities
73 | if any conditions or requirements of this subsection are not
74 | met.

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