By the Committee on Community Affairs; and Senator Argenziano

578-2292-06

1	A bill to be entitled
2	An act relating to traffic control; amending s.
3	316.2045, F.S.; exempting certain nonprofit
4	organizations from permit requirements related
5	to obstructing streets or roads for
6	solicitation purposes; establishing conditions
7	that certain nonprofit organizations must meet
8	in order to solicit charitable donations on
9	certain streets, roads, and rights-of-way;
10	authorizing local governments to halt
11	solicitation activities if such conditions are
12	not met; providing an effective date.
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14	Be It Enacted by the Legislature of the State of Florida:
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16	Section 1. Subsection (3) of section 316.2045, Florida
17	Statutes, is amended to read:
18	316.2045 Obstruction of public streets, highways, and
19	roads
20	(3) Permits for the use of any street, road, or
21	right-of-way not maintained by the state may be issued by the
22	appropriate local government. An organization that is
23	qualified under s. 501(c)(3) of the Internal Revenue Code and
24	registered under chapter 496, or a person or organization
25	acting on behalf of that organization, is exempt from local
26	requirements for a permit issued under this subsection for
27	charitable solicitation activities on or along streets or
28	roads that are not maintained by the state, under the
29	following conditions:
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30 <u>registration requirement.</u>

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1	(a) The organization, or the person or organization
2	acting on behalf of the organization, must provide all of the
3	following to the local government:
4	1. No fewer than 14 calendar days prior to the
5	proposed solicitation, the name and address of the person or
6	organization that will perform the solicitation and the name
7	and address of the organization that will receive funds from
8	the solicitation.
9	2. For review and comment, a plan for the safety of
10	all persons participating in the solicitation, as well as the
11	motoring public, at the locations where the solicitation will
12	take place.
13	3. Specific details of the location or locations of
14	the proposed solicitation and the hours during which the
15	solicitation activities will occur.
16	4. Proof of commercial general liability insurance
17	against claims for bodily injury and property damage occurring
18	on streets, roads, or rights-of-way or arising from the
19	solicitor's activities or use of the streets, roads, or
20	rights-of-way by the solicitor or the solicitor's agents,
21	contractors, or employees. The insurance shall have a limit of
22	not less than \$1 million per occurrence for the general
23	aggregate. The certificate of insurance shall name the local
24	government as an additional insured and shall be filed with
25	the local government no later than 72 hours before the date of
26	the solicitation.
27	5. Proof of registration with the Department of
28	Agriculture and Consumer Services pursuant to s. 496.405 or
29	proof that the soliciting organization is exempt from the

1	(b) Organizations or persons meeting the requirements
2	of subparagraphs (a)15. may solicit for a period not to
3	exceed 10 cumulative days within 1 calendar year.
4	(c) All solicitation must occur during daylight hours
5	only.
6	(d) Solicitation activities may not interfere with the
7	safe and efficient movement of traffic and may not cause
8	danger to the participants or the public.
9	(e) No person engaging in solicitation activities may
10	persist after solicitation has been denied, act in a demanding
11	or harassing manner, or use any sound or voice-amplifying
12	apparatus or device.
13	(f) All persons participating in the solicitation must
14	be at least 18 years of age and must possess picture
15	identification.
16	(q) Signage providing notice of the solicitation must
17	be posted at least 500 feet before the site of the
18	solicitation.
19	(h) The local government may stop solicitation
20	activities if any conditions or requirements of this
21	subsection are not met.
22	Section 2. This act shall take effect July 1, 2006.
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24	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25	COMMITTEE SUBSTITUTE FOR <u>Senate Bill 1878</u>
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27	The CS specifies a number of requirements that a charitable or
28	non-profit organization must meet before it can solicit contributions on nonstate-maintained highways.
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