

By Senator Gaetz

4-1344-07

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 such organizations must meet in order to
8 solicit charitable donations on certain
9 streets, roads, and rights-of-way; authorizing
10 local governments to halt solicitation
11 activities if such conditions are not met;
12 providing an effective date.

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

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 following
29 conditions:

1 (a) The organization, or the person or organization
2 acting on behalf of the organization, must provide the
3 following to the local government:

4 1. No less than 14 calendar days before the proposed
5 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. A plan, for review and comment by the local
10 government, for the safety of all persons participating in the
11 solicitation and the motoring public, at the locations where
12 the solicitation will take place;

13 3. Specific details of all locations of the proposed
14 solicitation and the hours during which the solicitation
15 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, shall name the local government as an additional
24 insured, and shall be filed with the local government no later
25 than 72 hours before the date of the solicitation; and

26 5. Proof of registration with the Department of
27 Agriculture and Consumer Services pursuant to s. 496.405 or
28 proof that the soliciting organization is exempt from the
29 registration requirement.

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1 (b) An organization or person meeting the requirements
2 of paragraph (a) may solicit for a period not to exceed 10
3 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) A person engaging in solicitation activities may
10 not persist after solicitation has been denied, act in a
11 demanding or harassing manner, or use any sound or
12 voice-amplifying apparatus or device.

13 (f) Each person participating in the solicitation must
14 be at least 18 years of age and must possess picture
15 identification.

16 (g) Signage providing notice of the solicitation shall
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 condition or requirement of this subsection
21 is not met.

22 Section 2. This act shall take effect July 1, 2007.

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25 SENATE SUMMARY

26 Exempts certain not-for-profit organizations from
27 specific permit requirements related to soliciting on
28 certain streets or roads.