

ENROLLED
HB 99

2007 Legislature

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

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

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15 Section 1. This act may be cited as the "Iris Roberts
16 Act."

17 Section 2. Subsection (3) of section 316.2045, Florida
18 Statutes, is amended to read:

19 316.2045 Obstruction of public streets, highways, and
20 roads.--

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

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29 by the state under the following conditions:

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

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

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

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

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

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

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57 registration requirement.

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

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

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

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

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

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

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

78 Section 3. This act shall take effect July 1, 2007.