

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: February 14, 2017

REGULATION TITLE: Commercial Activity;
Selling of Merchandise, Activities Involving
Off-Campus Vendors

REGULATION NO.:
4.006

SUMMARY: The proposed amendments to this regulation revise it to reflect a new online permit process in Student Activities and Involvement for student engagement in the covered commercial activities on campus, and remove provisions regulating vendor sale of food and beverages, which have been moved to Regulation 2.020, Food Service on Campus, in order to consolidate requirements related to vendor sale of food, beverages and service on campus.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS: Sandra L. Mitchell, Legal Assistant II, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION AMENDMENT: Curtis Reynolds, Vice President for Business Affairs

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

RULES REGULATIONS OF THE

UNIVERSITY OF FLORIDA

~~6CI~~-4.006 ~~Student Affairs~~; Commercial Activity; Selling of Merchandise, Activities Involving Off-Campus Vendors.

(1) The regulation of commercial activity on the campus is necessary in order to preserve the educational mission of the University, to prevent unnecessary distraction during classes and study periods, to provide for the safety of University students and faculty and staff members, and to protect the property of students, faculty, staff, and the University.

(2) Solicitors and tradespeople, including students, faculty and other University personnel, are prohibited from entering the grounds or buildings for the purpose of conducting commercial activity with students, faculty, other personnel or visitors. This ~~rule regulation~~ will not be deemed to prohibit the sale of merchandise by University budgetary units or commercial activity pursuant to a contract between the University and a vendor which provides goods or services to the University community.

(3) The term "commercial activity" shall mean any act or event which results in financial gain to the salesperson, individual(s) or organization(s).

(4) The term "commercial activity" shall not include:

(a) Solicitation and collection of funds or the sale of new merchandise or printed material by registered student organizations for the benefit of any charitable institution or organization as defined in § 501(c)(3) of the Internal Revenue Code of the United States or for the benefit of programs and/or projects of an educational nature sponsored by the registered student organization, in accordance with ~~subsection paragraph~~(5) below.

(b) The sale of new merchandise, solicitation and collection of funds by registered student organizations for the benefit of any student organization related project and approved by the Director of Student Activities and Involvement or the director's designee at the J. Wayne Reitz Union, in accordance with subsection paragraph(5) below.

(c) The solicitation of membership or the collection of dues from members of a registered student organization which inure to the benefit of that organization.

(d) Contact between a salesperson and a student or student organization which was invited by the individual student or organization involved for his or her or its own benefit and not to involve persons not associated with the student or organization.

(e) The distribution or sale of printed material pursuant to the requirements of University of Florida Regulation Rule 6C1-2.003, F.A.C.

(5) Registered student organizations wishing to sell or distribute new merchandise excluding food products, such as t-shirts, hats, bumper stickers, buttons or the like, or printed material or to solicit or collect funds pursuant to paragraphs subsection(4)(a) or (4)(b) above of this rule may be allowed under the following conditions:

(a) Registered student organizations must first seek an Event-Permit from the Director of Student Activities and Involvement or ~~the director's~~ designee at the J. Wayne Reitz Union. Event Permits will not be issued if the manner of solicitation or collection will disrupt the educational function of the University or if the activities do not meet the requirements of paragraphs subsection(4)(a) or (4)(b) above of this rule. ~~The student organization should use the form "University of Florida Office of Student Activities Program Planning Form," Form: SAC1, Rev. 7/00, or its web base equivalent, available from that office and incorporated herein by reference.~~ Instructions on how to submit an Event Permit Request can be found at

<https://www.studentinvolvement.ufl.edu/Event-Planning/Submit-an-Event-Permit-Request.>

Event Permits are valid for the date of the specific event. Any groups failing to show a valid Event Permit may be removed from campus at the request of the University Police Department.

(b) A statement must be provided with the request indicating how the funds raised will be used.

(c) The following areas are approved for such fundraising activities: the Plaza of the Americas, the area in front of Turlington Hall, and reservable outdoor space at the J. Wayne Reitz Union (colonnade, North Lawn, and South Terrace). Other areas will be approved by the Director of Student Activities and Involvement or ~~the director's~~ designee and the administrator responsible for the area only in unusual circumstances and only when the group is programmatically associated with that area.

(d) The Director of Student Activities and Involvement may limit the number of permits issued for a particular area in order to maintain the educational function of the University. In such case the permits will be issued in the order that requests from those student organizations or groups meeting the requirements of this regulation rule are received in the Director's office.

(e) Registered student organizations are not permitted to sell food products. Distribution of food products is allowed only under the provisions of subsection (6) below of this rule.

(6) Registered student organizations may sponsor on-campus activities involving a commercial off-campus vendor including food vendors only under the following conditions:

(a) Registered student organizations must first seek an Event Permit from the Director of Student Activities and Involvement or ~~the director's~~ designee at the J. Wayne Reitz Union. Event Permits will not be issued if the manner of solicitation or collection will disrupt the educational function of the University or if the activities do not meet the requirements of paragraphs subsection (4)(a) or (4)(b) above of this rule. The student organization should use the form "University of Florida Office of Student Activities Program Planning Form," Form: SAC1, Rev. 7/00 or its web base equivalent. The vendor must complete a Public Health Compliance form, Form SAC2, Rev. 10/01 or its web based equivalent as stated in University Rule 6C1-2.020, F.A.C. ~~Forms are available from that office and incorporated herein by reference. Instructions on how to submit an Event Permit Request can be found at <https://www.studentinvolvement.ufl.edu/Event-Planning/Submit-an-Event-Permit-Request>.~~ Event Permits are valid for the date of the specific event. Any groups failing to show a valid Event Permit may be removed from the campus at the request of the University Police Department.

(b) The registered student organization sponsoring the activity is totally responsible for all aspects of the activity, including the production and/or approval of all publicity and advertising, staffing and distribution of product and all clean up.

(c) Any food product must be donated by the vendor, except as referenced in this paragraph. The registered student organization and vendor or agency representing the vendor may not have any payment or exchange of funds, as that constitutes a sale and not a donation by the vendor, unless the requirements of University Regulation 2.020 are satisfied.

(d) The following areas are approved for food distribution activities: Plaza of America, Norman Field, Hume Field, Maguire Field, the North Lawn of the Reitz Union after 6 pm and Turlington Plaza. Other areas will be approved by the Director of Student Activities and

Involvement or ~~the director's~~ designee and the administrator responsible for the area only in unusual circumstances, taking into consideration any potential conflict with University contracts and when the group is programmatically associated with that area.

(e) The Director of Student Activities and Involvement may limit the number of permits issued for a particular area in order to maintain the educational function of the University. Distribution of food products will be limited to one time/event per day per vendor. In such case the permits will be issued in the order that requests from those student organizations or groups meeting the requirements of this regulation rule are received in the Director's office.

(f) Advertising and publicity must reflect sole sponsorship of the activity as being that of the registered student organization.

(g) Any advertising concerning the activity, including but not limited to, poster(s), flyer(s), radio and newspaper advertisement(s), tee-shirt(s), banner(s), may reflect a commercial off-campus vendor's support, but must not indicate or convey sponsorship by the vendor, such as using the vendor's name in the program title, or display prominent advertising with only the off-campus vendor's name and/or logo. All publicity must follow University of Florida Regulation Rule, 6C1-2.003, F.A.C., University of Florida; Distribution of Printed Material.

(h) No cooking facilities (mobile or otherwise) will be permitted unless approved by the Office of the Vice President for Business Affairs.

~~(7) Off campus licensed food service caterers may provide food and beverage service for special events when sponsored by an official University Department or organization at University buildings not restricted under the terms of the University food service contract. Buildings restricted for University food service contractor's use include the student residence~~

~~halls, J. Wayne Reitz Union Building, Bruton Geer Hall, grounds adjacent to these buildings, and the Sun Terrace Cafeteria including its outside dining area. Sponsoring groups may offer tickets to members of their organizations at any price, and to the general public only if the event is designated as a bona-fide fund-raising activity and the cost per ticket or donation exceeds \$25.00 or more. Exceptions to this requirement may be made with special approval by the Office of the Vice President for Finance and Administration and would be made only in unusual cases in which it is determined that the overall benefit to University programs justifies the exception. Sponsoring groups who wish to utilize off campus caterers should assure that the caterer has an appropriate food service license and liability insurance. The sponsoring groups should also see that state laws and University regulations are followed if alcoholic beverages are to be part of the service.~~

(8) (7) This rule shall not prevent off campus Gainesville licensed food vendors from receiving and filling specific short order food and beverage requests from students, faculty and staff members for direct delivery to campus addresses. Except as provided in above or in University Regulation 2.020 paragraph (7), alcoholic beverages, or food prepared and sold by other than licensed vendors, and sale items in direct competition with contract vendors or University budgetary units shall not be sold on campus without special approval by the Office of the Vice President for Business Affairs and would be made only in unusual cases in which it is determined that the overall benefit to University programs justifies the exception.

Specific Authority: BOG Regulation 1.001-1001.74(4) FS. Law Implemented 1001.74(6) FS. History--New 9-29-75, Amended 1-28-80, 8-26-81, 5-14-85, Formerly 6C1-4.06, Amended 4-17-90, 5-19-93, 7-11-94, 10-31-99, 7-8-01, 2-5-03. Formerly 6C1-4.006, Amended

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