

By Representative Greene

1                           A bill to be entitled  
2           An act relating to public streets, highways,  
3           and roads; amending ss. 316.2045 and 337.406,  
4           F.S.; prohibiting solicitation by children of a  
5           certain age upon any public street, highway,  
6           right-of-way of a state transportation  
7           facility, or road; providing an effective date.

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

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11           Section 1. Subsection (3) of section 316.2045, Florida  
12 Statutes, 1996 Supplement, is amended to read:

13           316.2045 Obstruction of public streets, highways, and  
14 roads.--

15           (3) Permits for the use of any street, road, or  
16 right-of-way not maintained by the state may be issued by the  
17 appropriate local government. Such permits shall specifically  
18 prohibit solicitation upon any public street, highway, or road  
19 by children 15 years of age or younger.

20           Section 2. Subsection (1) of section 337.406, Florida  
21 Statutes, is amended to read:

22           337.406 Unlawful use of state transportation facility  
23 right-of-way; penalties.--

24           (1) Except when leased as provided in s. 337.25(5) or  
25 otherwise authorized by the rules of the department, it is  
26 unlawful to make any use of the right-of-way of any state  
27 transportation facility, including appendages thereto, outside  
28 of an incorporated municipality in any manner that interferes  
29 with the safe and efficient movement of people and property  
30 from place to place on the transportation facility. Failure  
31 to prohibit the use of right-of-way in this manner will

1 endanger the health, safety, and general welfare of the public  
2 by causing distractions to motorists, unsafe pedestrian  
3 movement within travel lanes, sudden stoppage or slowdown of  
4 traffic, rapid lane changing and other dangerous traffic  
5 movement, increased vehicular accidents, and motorist injuries  
6 and fatalities. Such prohibited uses include, but are not  
7 limited to, the free distribution or sale, or display or  
8 solicitation for free distribution or sale, of any  
9 merchandise, goods, property or services; the solicitation for  
10 charitable purposes; the servicing or repairing of any  
11 vehicle, except the rendering of emergency service; the  
12 storage of vehicles being serviced or repaired on abutting  
13 property or elsewhere; and the display of advertising of any  
14 sort, except that any portion of a state transportation  
15 facility may be used for an art festival, parade, fair, or  
16 other special event if permitted by the appropriate local  
17 governmental entity. Within incorporated municipalities, the  
18 local governmental entity may issue permits of limited  
19 duration for the temporary use of the right-of-way of a state  
20 transportation facility for any of these prohibited uses if it  
21 is determined that the use will not interfere with the safe  
22 and efficient movement of traffic and the use will cause no  
23 danger to the public. Such permits shall specifically  
24 prohibit the use of right-of-way of a state transportation  
25 facility, including appendages thereto, for solicitation by  
26 persons 15 years of age or younger. Before a road on the  
27 State Highway System may be temporarily closed for a special  
28 event, the local governmental entity which permits the special  
29 event to take place must determine that the temporary closure  
30 of the road is necessary and must obtain the prior written  
31 approval for the temporary road closure from the department.

1 Nothing in this subsection shall be construed to authorize  
2 such activities on the Interstate Highway System. Local  
3 governmental entities may, within their respective  
4 jurisdictions, initiate enforcement action by the appropriate  
5 code enforcement authority or law enforcement authority for a  
6 violation of this section.

7 Section 3. This act shall take effect July 1, 1997.

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HOUSE SUMMARY

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Prohibits solicitation upon any public street, highway,  
right-of-way of a state transportation facility, or road  
by a child 15 years of age or younger.

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