

By Senator Meek

36-1434-99

See HB 627

1 A bill to be entitled
2 An act relating to traffic safety; amending ss.
3 316.2045, 337.406, F.S.; prohibiting minors
4 under the age of 18 years from standing or
5 approaching vehicles on any public street,
6 highway, road, or state transportation facility
7 right-of-way for purposes of soliciting;
8 providing for a civil penalty to be imposed
9 against any entity or organization that directs
10 a person to unlawfully obstruct or use the
11 right-of-way of a public street or highway;
12 providing an effective date.

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

16 Section 1. Subsections (1) and (2) of section
17 316.2045, Florida Statutes, are amended to read:

18 316.2045 Obstruction of public streets, highways, and
19 roads.--

20 (1) It is unlawful for any person or persons willfully
21 to obstruct the free, convenient, and normal use of any public
22 street, highway, or road by impeding, hindering, stifling,
23 retarding, or restraining traffic or passage thereon, by
24 standing or approaching motor vehicles thereon, or by
25 endangering the safe movement of vehicles or pedestrians
26 traveling thereon; and any person or persons who violate the
27 provisions of this subsection, upon conviction, shall be cited
28 for a pedestrian violation, punishable as provided in chapter
29 318.

30 (2)(a) It is unlawful, without proper authorization or
31 a lawful permit, for any person or persons willfully to

1 obstruct the free, convenient, and normal use of any public
2 street, highway, or road by any of the means specified in
3 subsection (1) in order to solicit. ~~Any person who violates~~
4 ~~the provisions of this subsection is guilty of a misdemeanor~~
5 ~~of the second degree, punishable as provided in s. 775.082 or~~
6 ~~s. 775.083.~~

7 (b) Organizations qualified under s. 501(c)(3) of the
8 Internal Revenue Code and registered pursuant to chapter 496,
9 or persons or organizations acting on their behalf are
10 exempted from the provisions of this subsection for activities
11 on streets or roads not maintained by the state.

12 (c) A minor under the age of 18 years may not stand or
13 approach motor vehicles on any public street, highway, or road
14 in order to solicit.

15 (d) Permits for the use of any portion of a
16 state-maintained road or right-of-way shall be required only
17 for those purposes and in the manner set out in s. 337.406.

18 (e) The entity or organization that directs any person
19 to violate this section shall pay a civil penalty, which may
20 not exceed \$500. A separate penalty may be imposed for each
21 day a violation of this section continues.

22 Section 2. Section 337.406, Florida Statutes, is
23 amended to read:

24 337.406 Unlawful use of state transportation facility
25 right-of-way; penalties.--

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

1 from place to place on the transportation facility. Failure
2 to prohibit the use of right-of-way in this manner will
3 endanger the health, safety, and general welfare of the public
4 by causing distractions to motorists, unsafe pedestrian
5 movement within travel lanes, sudden stoppage or slowdown of
6 traffic, rapid lane changing and other dangerous traffic
7 movement, increased vehicular accidents, and motorist injuries
8 and fatalities. Such prohibited uses include, but are not
9 limited to, the free distribution or sale, or display or
10 solicitation for free distribution or sale, of any
11 merchandise, goods, property or services; the solicitation for
12 charitable purposes; the servicing or repairing of any
13 vehicle, except the rendering of emergency service; the
14 storage of vehicles being serviced or repaired on abutting
15 property or elsewhere; and the display of advertising of any
16 sort, except that any portion of a state transportation
17 facility may be used for an art festival, parade, fair, or
18 other special event if permitted by the appropriate local
19 governmental entity. Within incorporated municipalities, the
20 local governmental entity may issue permits of limited
21 duration for the temporary use of the right-of-way of a state
22 transportation facility for any of these prohibited uses if it
23 is determined that the use will not interfere with the safe
24 and efficient movement of traffic and the use will cause no
25 danger to the public. Before a road on the State Highway
26 System may be temporarily closed for a special event, the
27 local governmental entity which permits the special event to
28 take place must determine that the temporary closure of the
29 road is necessary and must obtain the prior written approval
30 for the temporary road closure from the department. Nothing in
31 this subsection shall be construed to authorize such

1 activities on the Interstate Highway System. Local
2 governmental entities may, within their respective
3 jurisdictions, initiate enforcement action by the appropriate
4 code enforcement authority or law enforcement authority for a
5 violation of this section.

6 (2) A minor under the age of 18 years may not stand or
7 approach motor vehicles on the right-of-way of any state
8 transportation facility, including appendages thereto, outside
9 of an incorporated municipality in order to solicit.

10 ~~(3)(2)~~ Persons holding valid peddlers' licenses issued
11 by appropriate governmental entities may make sales from
12 vehicles standing on the right-of-way to occupants of abutting
13 property only.

14 ~~(4)(3)~~ The Department of Highway Safety and Motor
15 Vehicles and other law enforcement agencies are authorized and
16 directed to enforce this statute.

17 ~~(5)(4)~~ The entity or organization that directs any
18 person to violate this section shall pay a civil penalty,
19 which may not exceed \$500.~~The violation of any provision of~~
20 ~~this section or any rule promulgated by the department~~
21 ~~pursuant to this section constitutes a misdemeanor of the~~
22 ~~second degree, punishable as provided in s. 775.082 or s.~~
23 ~~775.083, and~~ Each day a violation continues to exist
24 constitutes a separate offense.

25 Section 3. This act shall take effect upon becoming a
26 law.

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LEGISLATIVE SUMMARY

Prohibits minors under 18 years of age from standing or approaching vehicles on any public street, highway, road, or state transportation facility right-of-way for purposes of soliciting. Provides for a civil penalty of \$500 per violation to be imposed against the entity or organization that directs any person to unlawfully obstruct or use the right-of-way of a public street or highway.