

Amendment No. 1a (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

The Committee on Crime & Punishment offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Subsection (2) of section 316.2045, Florida Statutes, is amended to read:

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

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

(2)(a) It is unlawful, without proper authorization or

Amendment No. 1a (for drafter's use only)

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

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

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

16 (d) Notwithstanding paragraphs (b) and (c), a person
17 under the age of 18 years may not stand or approach a motor
18 vehicle on any public street, highway, or road in the area
19 that is open for use by the public for vehicular traffic
20 purposes in order to solicit or collect from, or distribute
21 to, the occupant of a motor vehicle where there is some risk
22 to the safety of a person under the age of 18.

23 (e) A person who violates the provisions of this
24 subsection commits a misdemeanor of the second degree,
25 punishable as provided in s. 775.082 or s. 775.083. However,
26 for a first-time violation of paragraph (d), the law
27 enforcement officer shall issue a warning to the offender.

28 Section 2. Section 337.406, Florida Statutes, is
29 amended to read:

30 337.406 Unlawful use of state transportation facility
31 right-of-way; penalties.--

Amendment No. 1a (for drafter's use only)

1 (1) Except when leased as provided in s. 337.25(5) or
2 otherwise authorized by the rules of the department, it is
3 unlawful to make any use of the right-of-way of any state
4 transportation facility, including appendages thereto, outside
5 of an incorporated municipality in any manner that interferes
6 with the safe and efficient movement of people and property
7 from place to place on the transportation facility. Failure
8 to prohibit the use of right-of-way in this manner will
9 endanger the health, safety, and general welfare of the public
10 by causing distractions to motorists, unsafe pedestrian
11 movement within travel lanes, sudden stoppage or slowdown of
12 traffic, rapid lane changing and other dangerous traffic
13 movement, increased vehicular accidents, and motorist injuries
14 and fatalities. Such prohibited uses include, but are not
15 limited to, the free distribution or sale, or display or
16 solicitation for free distribution or sale, of any
17 merchandise, goods, property or services; the solicitation for
18 charitable purposes; the servicing or repairing of any
19 vehicle, except the rendering of emergency service; the
20 storage of vehicles being serviced or repaired on abutting
21 property or elsewhere; and the display of advertising of any
22 sort, except that any portion of a state transportation
23 facility may be used for an art festival, parade, fair, or
24 other special event if permitted by the appropriate local
25 governmental entity. Within incorporated municipalities, the
26 local governmental entity may issue permits of limited
27 duration for the temporary use of the right-of-way of a state
28 transportation facility for any of these prohibited uses if it
29 is determined that the use will not interfere with the safe
30 and efficient movement of traffic and the use will cause no
31 danger to the public. Before a road on the State Highway

Amendment No. 1a (for drafter's use only)

1 System may be temporarily closed for a special event, the
2 local governmental entity which permits the special event to
3 take place must determine that the temporary closure of the
4 road is necessary and must obtain the prior written approval
5 for the temporary road closure from the department. Nothing in
6 this subsection shall be construed to authorize such
7 activities on the Interstate Highway System. Local
8 governmental entities may, within their respective
9 jurisdictions, initiate enforcement action by the appropriate
10 code enforcement authority or law enforcement authority for a
11 violation of this section.

12 (2) A person under the age of 18 years may not stand
13 or approach motor vehicles on the right-of-way of any state
14 transportation facility, including appendages thereto, outside
15 of an incorporated municipality in order to solicit or collect
16 from, or distribute to, the occupant of a motor vehicle where
17 there is some risk to the safety of a person under the age of
18 18.

19 (3)~~(2)~~ Persons holding valid peddlers' licenses issued
20 by appropriate governmental entities may make sales from
21 vehicles standing on the right-of-way to occupants of abutting
22 property only.

23 (4)~~(3)~~ The Department of Highway Safety and Motor
24 Vehicles and other law enforcement agencies are authorized and
25 directed to enforce this statute.

26 (5)~~(4)~~ The violation of any provision of this section
27 or any rule promulgated by the department pursuant to this
28 section constitutes a misdemeanor of the second degree,
29 punishable as provided in s. 775.082 or s. 775.083, and each
30 day a violation continues to exist constitutes a separate
31 offense.

Amendment No. 1a (for drafter's use only)

1 Section 3. This act shall take effect upon becoming a
2 law.

3
4
5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 Remove from the title of the bill: the entire title

8
9 and insert in lieu thereof:

10 A bill to be entitled

11 An act relating to traffic safety; amending ss.
12 316.2045 and 337.406, F.S.; prohibiting persons
13 under the age of 18 years from standing or
14 approaching vehicles on any public street,
15 highway, road, or state transportation facility
16 right-of-way for purposes of soliciting or
17 collecting from, or distributing to, the
18 occupant of a motor vehicle; providing
19 penalties; providing an effective date.
20

21 WHEREAS, the Legislature recognizes an ever growing
22 increase in the number of motorists on public streets,
23 highways, and roads, and

24 WHEREAS, this increase has contributed to numerous
25 traffic fatalities involving children who stand or approach
26 vehicles on public streets, highways, or roads for the
27 purposes of solicitation, collection, or distribution, and

28 WHEREAS, the Legislature discourages this known
29 endangerment to prevent future fatalities resulting from such
30 activities and to achieve the compelling state interest of
31 protecting the safety of persons under the age of 18, NOW,

Amendment No. 1a (for drafter's use only)

1 THEREFORE,
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31