

By Representatives C. Smith and Wilson

1 A bill to be entitled
2 An act relating to traffic safety; amending ss.
3 316.2045 and 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 penalties; providing an effective
9 date.

10

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

12

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

15 316.2045 Obstruction of public streets, highways, and
16 roads.--

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

27 (2)(a) It is unlawful, without proper authorization or
28 a lawful permit, for any person or persons willfully to
29 obstruct the free, convenient, and normal use of any public
30 street, highway, or road by any of the means specified in
31 subsection (1) in order to solicit. ~~Any person who violates~~

1 ~~the provisions of this subsection is guilty of a misdemeanor~~
2 ~~of the second degree, punishable as provided in s. 775.082 or~~
3 ~~s. 775.083.~~

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

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

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

15 (e) A person who violates the provisions of this
16 subsection commits a misdemeanor of the second degree,
17 punishable as provided in s. 775.082 or s. 775.083.

18 Section 2. Section 337.406, Florida Statutes, is
19 amended to read:

20 337.406 Unlawful use of state transportation facility
21 right-of-way; penalties.--

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

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

1 code enforcement authority or law enforcement authority for a
2 violation of this section.

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

7 ~~(3)~~(2) Persons holding valid peddlers' licenses issued
8 by appropriate governmental entities may make sales from
9 vehicles standing on the right-of-way to occupants of abutting
10 property only.

11 ~~(4)~~(3) The Department of Highway Safety and Motor
12 Vehicles and other law enforcement agencies are authorized and
13 directed to enforce this statute.

14 ~~(5)~~(4) The violation of any provision of this section
15 or any rule promulgated by the department pursuant to this
16 section constitutes a misdemeanor of the second degree,
17 punishable as provided in s. 775.082 or s. 775.083, and each
18 day a violation continues to exist constitutes a separate
19 offense.

20 Section 3. This act shall take effect upon becoming a
21 law.

22 *****

23
24 HOUSE SUMMARY

25 Prohibits minors under 18 years of age from standing or
26 approaching vehicles on any public street, highway, road,
27 or state transportation facility right-of-way for
28 purposes of soliciting. Provides a second degree
29 misdemeanor penalty for violation.
30
31