

By Senator Argenziano

3-804-05

1 A bill to be entitled
2 An act relating to the use of state
3 rights-of-way; amending s. 337.406, F.S.;
4 requiring that a local governmental entity
5 issue a permit for the temporary use of the
6 right-of-way of a state transportation
7 facility, which use is otherwise prohibited by
8 law, if such use is safe and will not endanger
9 the public; providing an effective date.

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

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

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

(1) Except when leased as provided in s. 337.25(5) or otherwise authorized by the rules of the department, it is unlawful to make any use of the right-of-way of any state transportation facility, including appendages thereto, outside of an incorporated municipality in any manner that interferes with the safe and efficient movement of people and property from place to place on the transportation facility. Failure to prohibit the use of right-of-way in this manner will endanger the health, safety, and general welfare of the public by causing distractions to motorists, unsafe pedestrian movement within travel lanes, sudden stoppage or slowdown of traffic, rapid lane changing and other dangerous traffic movement, increased vehicular accidents, and motorist injuries and fatalities. Such prohibited uses include, but are not limited to, the free distribution or sale, or display or

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

28 Section 2. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Requires that local governmental entities in incorporated municipalities issue permits for use of the right-of-way of a state transportation facility so long as the permits are of limited duration, do not interfere with safe and efficient movement of traffic, and pose no danger to the public.