

Bill No. SB 718

Barcode 160244

CHAMBER ACTION

Senate

House

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The Committee on Transportation and Economic Development  
Appropriations (Sebesta) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 2, Between lines 11 and 12,

insert:

Section 2. Subsection (1) of section 337.406, F.S., 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

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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. Local governmental entities within  
16 ~~incorporated municipalities, the local governmental entity~~ may  
17 issue permits of limited duration for the temporary use of the  
18 right-of-way of a state transportation facility for any of  
19 these prohibited uses if it is determined that the use will  
20 not interfere with the safe and efficient movement of traffic  
21 and the use will cause no danger to the public. The  
22 permitting authority granted herein shall be exercised by the  
23 municipality within incorporated municipalities and by the  
24 county outside an incorporated municipality. Before a road on  
25 the State Highway System may be temporarily closed for a  
26 special event, the local governmental entity which permits the  
27 special event to take place must determine that the temporary  
28 closure of the road is necessary and must obtain the prior  
29 written approval for the temporary road closure from the  
30 department. Nothing in this subsection shall be construed to  
31 authorize such activities on ~~the Interstate Highway System~~ any

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1 limited access highway. Local governmental entities may,  
 2 within their respective jurisdictions, initiate enforcement  
 3 action by the appropriate code enforcement authority or law  
 4 enforcement authority for a violation of this section.

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 6 (Redesignate subsequent sections.)

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9 ===== T I T L E   A M E N D M E N T =====

10 And the title is amended as follows:

11           On page 1, line 6, after the semicolon

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13 insert:

14           amending s. 337.406, F.S.; granting local  
 15           governments authority to issue permits allowing  
 16           limited temporary use of state transportation  
 17           right of way; clarifying limited access  
 18           facilities are not included in such authority;

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