

By Senator Gainer

2-01475-17

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1 A bill to be entitled
2 An act relating to obstruction of traffic during a
3 protest or demonstration; creating s. 316.128, F.S.;
4 prohibiting a person from obstructing or interfering
5 with traffic during a certain protest or
6 demonstration; providing criminal penalties; exempting
7 a motor vehicle operator from liability for injury or
8 death to a person who is obstructing or interfering
9 with traffic under certain circumstances; specifying
10 burden of proof; providing an effective date.

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

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14 Section 1. Section 316.128, Florida Statutes, is created to
15 read:

16 316.128 Obstruction of traffic during a protest or
17 demonstration.—

18 (1) A person may not obstruct or interfere with the regular
19 flow of vehicular traffic on a public road, street, or highway
20 during a protest or demonstration for which a public assembly
21 permit or other applicable special event permit has not been
22 issued by a county or municipality. A person who violates this
23 subsection commits a misdemeanor of the second degree,
24 punishable as provided in s. 775.082 or s. 775.083.

25 (2) A motor vehicle operator who unintentionally causes
26 injury or death to a person who obstructs or interferes with the
27 regular flow of vehicular traffic in violation of subsection (1)
28 is not liable for such injury or death. In any action brought
29 pursuant to this section, a person accused of violating

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30 subsection (1) or his or her representative has the burden of
31 proving that he or she did not violate subsection (1) or that
32 the injury or death was not unintentional.

33 Section 2. This act shall take effect July 1, 2017.