

1 Introduced by Council Member Carrico and Co-Sponsored by Council  
2 Members Ferraro and Bowman and substituted by the Transportation,  
3 Energy and Utilities Committee:  
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6 **ORDINANCE 2022-574-E**

7 AN ORDINANCE AMENDING CHAPTER 804 (JACKSONVILLE  
8 TRAFFIC CODE), *ORDINANCE CODE*, TO AMEND SECTION  
9 804.806 (PEDESTRIANS WALKING WHERE SIDEWALKS NOT  
10 PROVIDED; NOT TO SOLICIT RIDES; CERTAIN  
11 CHARITABLE SOLICITATIONS ALLOWED) TO DELETE  
12 CERTAIN REDUNDANT PROVISIONS AND TO INCLUDE  
13 RIDERS OF ANIMALS; TO AMEND SECTION 804.807  
14 (CHARITABLE SOLICITATIONS BY PERMIT) TO MODIFY  
15 THE PERMITTING PROCESS AND TO AUTHORIZE PERSONAL  
16 CHARITABLE SOLICITATION PERMITS; CREATING A NEW  
17 PART 17 (PEDESTRIAN AND VEHICLE SAFETY), CHAPTER  
18 804 (JACKSONVILLE TRAFFIC CODE), *ORDINANCE CODE*;  
19 PROVIDING A STATEMENT OF LEGISLATIVE INTENT;  
20 PROVIDING PROCEDURES FOR ENFORCEMENT; PROVIDING  
21 FOR PENALTIES; REPEALING SECTION 250.118  
22 (NEWSPAPER STREET SALES ALLOWED), *ORDINANCE*  
23 *CODE*; PROVIDING AN EFFECTIVE DATE.  
24

25 **WHEREAS**, in a report issued on July 12, 2022, Jacksonville was  
26 identified as the sixth worst municipality in the country for  
27 pedestrian deaths as a result of being struck by vehicles on  
28 Jacksonville streets; and

29 **WHEREAS**, in data from the Florida Department of Transportation,  
30 from the time period of January 1, 2018 through December 31, 2018,  
31 Duval County experienced a total of 471 vehicle/pedestrian crashes,

1 from which there were 34 fatalities; and

2 **WHEREAS**, in the most recent data from the Florida Department of  
3 Transportation, from the time period of January 1, 2021 through  
4 December 31, 2021, Duval County experienced a total of 492  
5 vehicle/pedestrian crashes, from which there were 48 fatalities; and

6 **WHEREAS**, the North Florida Transportation Planning Organization  
7 has conducted studies and made recommendations regarding Duval  
8 County's pedestrian/vehicle safety issues and remedies in 2018 and  
9 2019; and

10 **WHEREAS**, the City has implemented a number of the  
11 recommendations through its Context Sensitive Streets Standards  
12 Committee and the Bicycle and Pedestrian Advisory Committee; and

13 **WHEREAS**, the Jacksonville Sheriff's Office has conducted a  
14 detailed intersection analysis to identify site conditions that might  
15 contribute to vehicle/pedestrian safety concerns; and

16 **WHEREAS**, in a study dated September 2021, the Florida Department  
17 of Transportation evaluated Florida pedestrian and bicycle safety  
18 strategies to combat the comparatively high percentage (Florida is  
19 the second highest ranked state in the country for vehicle/pedestrian  
20 deaths) and recommended enhanced "legislation, regulations, policies  
21 and programs to support the overall goal of eliminating fatal and  
22 serious injury crashes involving people walking and biking"; and

23 **WHEREAS**, pursuant to Section 337.406 (1), Florida Statutes, it  
24 is unlawful to use any state road right-of-way in any manner that  
25 interferes with the safe and efficient movement of traffic, and the  
26 failure to prohibit activities that violate this principle "will  
27 endanger the health, safety, and general welfare of the public by  
28 causing distractions to motorists, unsafe pedestrian movement within  
29 travel lanes, sudden stoppage or slowdown of traffic, rapid lane  
30 changing and other dangerous traffic movement, increased vehicular  
31 accidents, and motorist injuries and fatalities; and

1           **WHEREAS**, Section 337.406 (1), Florida Statutes specifically  
2 prohibits on all state roads distribution or sale of any merchandise,  
3 goods, property or services and solicitation for charitable purposes  
4 unless such activities are permitted for a limited duration by a  
5 local government "if it is determined that the use will not interfere  
6 with the safe and efficient movement of traffic and the use will  
7 cause no danger to the public."; now, therefore

8           **BE IT ORDAINED** by the Council of the City of Jacksonville:

9           **Section 1.**       The foregoing "WHEREAS" clauses are true and  
10 correct and incorporated herein by this reference.

11           **Section 2.       Amending Chapter 804 (Jacksonville Traffic**  
12 **Code), Ordinance Code.** Chapter 804 (Jacksonville Traffic Code),  
13 *Ordinance Code*, is hereby amended to amend Part 8 (Pedestrians' Rights  
14 and Duties), Section 804.806 (Pedestrians walking where sidewalks not  
15 provided; not to solicit rides; certain charitable solicitations  
16 allowed), *Ordinance Code* and Section 804.807 (Charitable  
17 solicitations by permit), *Ordinance Code*; and to create a new Part  
18 17 (Pedestrian and Vehicle Safety) to read as follows:

19                           **CHAPTER 804. JACKSONVILLE TRAFFIC CODE**

20   \* \* \*

21                           **PART 8.       PEDESTRIANS' RIGHTS AND DUTIES**

22   \* \* \*

23           **Sec. 804.806. - Pedestrians walking where sidewalks not**  
24 **~~provided; not to solicit rides; certain charitable solicitations~~**  
25 **allowed.**

26           (a) Pedestrians or riders of animals walking along a street or  
27 roadway where sidewalks are not provided shall walk as far  
28 over as possible on the left side of the street or roadway  
29 facing approaching traffic.

30           ~~(b) No person shall stand or be upon or go upon any roadway for~~  
31 ~~the purpose of soliciting a ride or the sale of any thing or~~

1 ~~service or for charitable contributions or for the purpose of~~  
2 ~~soliciting any business or employment from the occupant of~~  
3 ~~any vehicle, unless said solicitation is permitted pursuant~~  
4 ~~to Section 804.807 herein.~~

5 ~~(c) Subsection (a) shall also be applicable to riders of animals.~~

6 ~~(d) No person shall stand or be upon or go upon any shoulder or~~  
7 ~~berm or any neutral ground of any roadway for the purpose of~~  
8 ~~soliciting a ride, employment, business, or charitable~~  
9 ~~contribution or for the purpose of soliciting the sale of any~~  
10 ~~thing or service from the occupant of any vehicle, unless~~  
11 ~~said solicitation is permitted pursuant to Section 804.807~~  
12 ~~herein. Neutral ground mean and include any area which divides~~  
13 ~~a roadway or divides the roadway for vehicles driving in~~  
14 ~~opposite directions.~~

15 ~~(e)~~ (b) Violation of this Section shall constitute a class A civil  
16 offense.

17 **Sec. 804.807. - Charitable solicitations by permit.**

18 (a) A permit for charitable solicitation ~~on~~in the right-of-way of  
19 any public street or highway~~designated roadway~~, as defined in  
20 Section 804.1701, in the City, as required pursuant to Chapter  
21 804, Part 17, may be obtained from the ~~Neighborhoods~~Public  
22 Works Department, provided the applicant meets the following  
23 criteria:

24 (1) The applicant's name and address and, if applicable, its  
25 charitable solicitation organization's Florida  
26 registration number ~~in the City, including the name and~~  
27 ~~address of the charitable organization to receive funds~~  
28 ~~from the solicitation.~~

29 (2) The applicant shall provide a plan for review and comment  
30 by the City Traffic Engineer, which plan will maximize  
31 the safety of the applicant's representatives, as well

1 as the motoring public, at the locations where the  
2 solicitation will take place. Within 90 days from the  
3 effective date of this Section, the City's Traffic  
4 Engineer shall develop a definitive list of safety  
5 methods to identify and provide visibility to all  
6 individuals who will be operating in the right-of-way  
7 and to alert traffic approaching the intersection(s) or  
8 road segment(s) where such charitable solicitations will  
9 be occurring. Such safety methods shall be included in  
10 the applicant's safety plan.

11 (3) The applicant shall indicate in specific detail the  
12 location of such solicitation, together with the hours  
13 thereof, not to exceed 2436 total hours in any 4872  
14 consecutive hour period.

15 (4) The applicant shall provide an indemnification and hold  
16 harmless for the organization, if applicable, and all  
17 individual solicitors in favor of the City in a form  
18 satisfactory to the City attorney.

19 (5) No person under the age of 2118 years shall ~~participate~~  
20 ~~in~~ conduct any solicitation in the right-of-way pursuant  
21 to a permit granted under this Section.

22 (6) All solicitation shall occur during daylight hours (from  
23 sunrise to sunset) only.

24 (7) Unless determined to be indigent, the applicant shall  
25 provide proof of commercial general liability insurance  
26 against claims for bodily injury and property damage  
27 occurring on City roadways and rights-of-way or arising  
28 from the applicant's solicitation activities or use of  
29 the City roadways and rights-of-way by applicant or the  
30 applicant's agents, contractors, volunteers or employees  
31 having limits of not less than \$1,000,000 per occurrence

1 for the general aggregate (per location). The  
2 certificate of insurance shall name the City of  
3 Jacksonville as an additional insured and shall be filed  
4 with the ~~Neighborhoods~~Public Works Department by no  
5 later than 48 hours before the date of solicitation. If  
6 an applicant seeks an indigency determination, he or she  
7 must provide an application for determination of civil  
8 indigent status, such application being the same  
9 application used by the Clerk of Court. A complete  
10 application for determination of civil indigent status  
11 must be submitted with the permit application and shall  
12 be reviewed and evaluated using the same methodology and  
13 criteria as the Clerk of Court. Each permit application  
14 shall be approved only if it is determined that the use  
15 will not interfere with the safe and efficient movement  
16 of traffic and the use will cause no danger to the  
17 public. Decisions on permits and indigency  
18 determinations must be made within five (5) business  
19 days from the date of submission of a completed  
20 application. The failure to render a decision on a  
21 permit or indigency within this time shall result in a  
22 positive determination. The decision on the permit and  
23 indigency determination shall be the final action of the  
24 City. A copy of all approved permits shall be forwarded  
25 to the Sheriff's Office Chief of Patrol, or to their  
26 successor individuals or others as designated by the  
27 Sheriff.

28 No permit shall be issued for any commercial or other  
29 non-charitable activities. No more than one (1) permit  
30 shall be issued for any intersection or road segment at  
31 any one time.

1           (8) In the event that a permit is denied, said applicant may  
2           request emergency injunctive relief from the Circuit  
3           Court of the Fourth Judicial Circuit of the State of  
4           Florida. Due to the overriding public interest in  
5           preventing unsafe conditions for motorists and  
6           pedestrians within the rights-of-way of designated  
7           roadways, no provisional permits shall be issued by the  
8           City.

9           ~~(8) All funds raised from the solicitation shall be donated~~  
10           ~~to a not-for-profit charitable organization licensed and~~  
11           ~~registered to do business in the State of Florida.~~

12           (b) The applicant shall comply with all other laws, City codes  
13           and regulations pertaining to public safety, traffic and  
14           solicitation, including Sections 614.117, 614.138, 614.143  
15           and 614.144, *Ordinance Code*.

16           (c) The ~~Neighborhoods~~Public Works Department may decline to issue  
17           subsequent permits to any individual or group violating the  
18           parameters of a previously issued permit or violating any  
19           requirements of this Section, or any other City ordinance or  
20           ~~any~~ state statute involving traffic safety.

21           (d) During active solicitation, at least one solicitor at each  
22           location shall be in possession of a copy of the authorizing  
23           permit and the certificate of insurance and shall display the  
24           copy to any law enforcement officer upon request. All  
25           solicitors shall possess picture or other form of government-  
26           issued identification.

27           (e) Permits issued pursuant to this Section shall be for a  
28           specific time period not to exceed ~~48~~72 consecutive hours.

29           (f) No individuals or group shall be granted more than two permits  
30           per calendar year.

31           (g) For purposes of this Section only, the term *right-of-*

1 way shall have that definition for "public rights-of-way"  
 2 provided in Section 804.1701~~be deemed to include all portions~~  
 3 ~~of any public roadway normally available for use by motor~~  
 4 ~~vehicles and all medians or traffic islands within such~~  
 5 ~~roadways, but shall not include sidewalks or other areas~~  
 6 ~~adjacent to the roadway.~~

- 7 (h) Soliciting in the right-of-way without a valid permit issued  
 8 pursuant to this Section shall be punished by the Sheriff by  
 9 a fine not exceeding \$50 for a first offense and \$250 for a  
 10 second or subsequent offense.

11 \* \* \*

12 **PART 17. - PEDESTRIAN AND VEHICLE SAFETY.**

13 **Sec. 804.1701. - Pedestrian and Vehicle Safety.**

- 14 (a) Definitions. The following words, terms and phrases, when  
 15 used in this Section, shall have the meanings ascribed to  
 16 them in this Subsection, except where the context clearly  
 17 indicates a different meaning:

- 18 (1) Designated roadways means the interstate/intrastate  
 19 system (including interstate/intrastate entrance and  
 20 exit ramps), and arterial and collector roadways and  
 21 rights-of-way. For purposes of this definition,  
 22 collector and arterial roadways and rights-of-way shall  
 23 be those roadways (and their rights-of-way) classified  
 24 as a collector or higher on the Functional Highway  
 25 Classification Map of the Comprehensive Plan. It also  
 26 encompasses the first 440 feet of local roadways  
 27 intersecting with these designated roadways and any  
 28 areas within the rights-of-way not designated or  
 29 intended for pedestrian use. The portions of these  
 30 designated roadways subject to this Section include the  
 31 portions within the area open for vehicular traffic



1           (including medians), plus four feet outside of the  
2           shoulders and/or curbs.

3           (2) Legally parked means a vehicle that is standing,  
4           stopped, or parked in an area designated, or legally  
5           authorized, for parking.

6           (3) The traveled portion of a designated roadway means any  
7           portion of a designated roadway (including travel lanes,  
8           turn lanes, bike lanes and shoulders) that is normally  
9           used by moving motor vehicle traffic that is not an area  
10           designated for or routinely used as a parking area for  
11           the general public.

12           (4) Median means any area separating traffic lanes on a  
13           roadway. A median includes, but is not limited to, any  
14           paved or unpaved, marked or unmarked, landscaped or non-  
15           landscaped, portions of a roadway which exist between  
16           lanes of traffic.

17           For the purpose of this Section, the phrase "public rights-of-  
18           way" shall be defined as set forth in Section 334.03(21), Florida  
19           Statutes, and Section 711.103, Ordinance Code, and they may be  
20           amended from time to time.

21           (b) Prohibitions. Except as provided herein, or as otherwise  
22           permitted by law or through a valid permit issued pursuant to  
23           Section 804.807, it is unlawful to make any use of the public  
24           rights-of-way in a manner that interferes with the safe and  
25           efficient movement of people and property from place to place  
26           on a public road or right-of-way. Such prohibited activity  
27           includes:

28           (1) Occupancy of median. It is unlawful for any person to  
29           stop, stand, or otherwise occupy or remain in a median  
30           on any designated roadway when that person is not in the  
31           process of lawfully crossing the road in accordance with

1 applicable traffic and safety laws. Stopping, standing,  
2 or otherwise occupying a median through two consecutive  
3 opportunities to cross in accordance with applicable  
4 traffic and safety laws is prima facie evidence of a  
5 violation of this Subsection.

6 (2) Physical interaction on roadway. It is unlawful for any  
7 person to engage in any physical interaction between a  
8 pedestrian and an occupant of a motor vehicle, including  
9 but not limited to the transfer of any product or  
10 material, while the motor vehicle is not legally parked  
11 and is located on the traveled portion of a designated  
12 roadway.

13 (3) Commercial use of public rights-of-way. It is unlawful  
14 to use any public right-of-way for commercial activity.  
15 Commercial activity prohibited by this Section includes,  
16 but is not limited to, vending or sale of goods, display  
17 of goods for sale, storage of goods for sale in  
18 connection with commercial activity, or repair or  
19 manufacturing of goods. Signage is not "commercial  
20 activity" regulated by this chapter; however, there  
21 shall be no signage placed or displayed in any median,  
22 except for safety signage that may be required by a  
23 permit issued pursuant to Section 804.807.

24 (c) Exemptions. Nothing in this Section shall prohibit the  
25 following:

26 (1) Law Enforcement, fire and rescue, or other government  
27 employees or contractors acting within the scope of  
28 their lawful authority;

29 (2) A person lawfully conducting inspection, construction,  
30 maintenance, repair, survey, or other similarly  
31 authorized services;

1           (3) A person responding to lend aid during an emergency  
2           situation or who is within the roadway due to a  
3           mechanical or physical defect in his or her vehicle that  
4           occurred while driving in the roadway;

5           (4) Entering or exiting a bus or other public transit system;

6           (5) Use of public roads and rights-of-way that have been  
7           closed to vehicular traffic for a special event  
8           permitted by the appropriate governmental entity-; and

9           (6) A person or entity engaged in charitable solicitations  
10           while in possession of a valid permit issued pursuant  
11           to Section 804.807, so long as such person is in  
12           compliance with the requirements of that Section and the  
13           terms of the permit and safety plan, and any person  
14           engaged in donating to such permitted organization or  
15           individual.

16       (d) Penalties. The following civil and criminal penalties may be  
17       assessed by administrative or judicial process.

18       (1) In addition to other penalties authorized herein, a  
19       person who violates this Section may be administratively  
20       or judicially assessed a civil penalty of up to \$100 for  
21       each violation, provided:

22           (i) For the first offense, the offender is given an  
23           educational notice from the Sheriff's Office  
24           educating the offender, and the notice shall be  
25           documented in the Sheriff's information system for  
26           due process and recordkeeping.

27           (ii) For the second violation, the offender shall also  
28           be given an official warning and may be trespassed  
29           as applicable from the non-pedestrian part of the  
30           hundred block of the right-of-way.

31           (iii) For the third violation, if an additional warning

1           is not appropriate, a civil citation shall be  
2           issued.

3           (iv) For the fourth violation, in conjunction with the  
4           civil penalties, the offender may be arrested or  
5           given a notice to appear, as applicable, with a  
6           maximum of 10 days penalty if the violator is  
7           arrested and convicted.

8           (2) A person who aids or participates in a violation for  
9           which a civil penalty may be assessed under this Part  
10           shall be considered a principal in the violation and may  
11           be assessed a civil penalty of up to the maximum amount  
12           prescribed for that violation.

13           (3) Due to the transient nature of these activities, each  
14           incident occurring more than every twenty (20) minutes  
15           after the violation has been corrected shall constitute  
16           a separate violation.

17           **Section 3. Repealing Section 250.118 (Newspaper street**  
18 **sales allowed), Part 1 (In General), Chapter 250 (Miscellaneous**  
19 **Business Regulations), Ordinance Code.** Section 250.118 (Newspaper  
20 street sales allowed), Part 1 (In General), Chapter 250 (Miscellaneous  
21 Business Regulations), *Ordinance Code*, is hereby repealed. A copy  
22 of the repealed Section 250.118 is attached hereto as **Exhibit 1.**

23           **Section 4. Effective Date.** This Ordinance shall become  
24 effective upon signature by the Mayor or upon becoming effective  
25 without the Mayor's signature; however, for the first thirty (30)  
26 days after the effective date, the Sheriff shall conduct a public  
27 education campaign and only issue warnings to violators.

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Form Approved:

          /s/  Mary E. Staffopoulos          

Office of General Counsel

Legislation prepared by: Gaby Young

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