

By Representative Smith

1 A bill to be entitled
2 An act relating to traffic safety; amending s.
3 316.2045, F.S.; prohibiting persons under the
4 age of 15 years from standing or approaching
5 vehicles on any public street, highway, or road
6 for purposes of soliciting, collecting from, or
7 distributing to the occupant of a motor
8 vehicle; providing for warnings for violations;
9 providing for citations for pedestrian
10 violations after a specified date; prohibiting
11 persons from directing a person under the age
12 of 15 years to unlawfully stand or approach
13 motor vehicles on the road; providing for
14 warnings for violations; providing for
15 citations for noncriminal traffic infractions
16 after a specified date; amending s. 318.18,
17 F.S.; providing penalties; amending s. 318.121,
18 F.S.; conforming a cross reference; providing
19 an effective date.

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

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23 Section 1. Subsections (1) and (2) of section
24 316.2045, Florida Statutes, are amended to read:

25 316.2045 Obstruction of public streets, highways, and
26 roads.--

27 (1) It is unlawful for any person or persons willfully
28 to obstruct the free, convenient, and normal use of any public
29 street, highway, or road by impeding, hindering, stifling,
30 retarding, or restraining traffic or passage thereon, by
31 standing or approaching motor vehicles thereon, or by

1 endangering the safe movement of vehicles or pedestrians
2 traveling thereon; and any person or persons who violate the
3 provisions of this subsection, upon conviction, shall be cited
4 for a pedestrian violation, punishable as provided in chapter
5 318.

6 (2)(a) It is unlawful, without proper authorization or
7 a lawful permit, for any person or persons willfully to
8 obstruct the free, convenient, and normal use of any public
9 street, highway, or road by any of the means specified in
10 subsection (1) in order to solicit. Any person who violates
11 the provisions of this paragraph commits ~~subsection is guilty~~
12 ~~of~~ a misdemeanor of the second degree, punishable as provided
13 in s. 775.082 or s. 775.083.

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

19 (c) Permits for the use of any portion of a
20 state-maintained road or right-of-way shall be required only
21 for those purposes and in the manner set out in s. 337.406.

22 (d) Notwithstanding paragraphs (b) and (c), a person
23 under the age of 15 years may not stand or approach a motor
24 vehicle on any public street, highway, or road in the area
25 which is open for use by the public for vehicular traffic
26 purposes in order to solicit, collect from, or distribute to
27 the occupant of a motor vehicle where there is some risk to
28 the safety of the person under the age of 15. Law enforcement
29 officers may issue a warning to a minor under the age of 15
30 years who violates this paragraph. Effective July 1, 2002, a
31 minor under the age of 15 years who violates this paragraph

1 may be issued a citation by a law enforcement officer and
2 assessed a fine for a noncriminal traffic infraction,
3 punishable as a pedestrian violation, as provided in s.
4 318.18. A violation of this paragraph shall not be subject to
5 the provisions of s. 318.143.

6 (e) A person may not direct another person under the
7 age of 15 years to violate paragraph (d). Law enforcement
8 officers may issue a warning to any person who violates this
9 paragraph. Effective July 1, 2002, any person who violates
10 this paragraph may be issued a citation by a law enforcement
11 officer and assessed a fine for a noncriminal traffic
12 infraction, as provided in chapter 318.

13 Section 2. Subsection (2) of section 318.18, Florida
14 Statutes, is amended, present subsection (11) is renumbered as
15 subsection (12), and a new subsection (11) is added to said
16 section, to read:

17 318.18 Amount of civil penalties.--The penalties
18 required for a noncriminal disposition pursuant to s. 318.14
19 are as follows:

20 (2) Except as otherwise provided in this section,
21 thirty dollars for all nonmoving traffic violations and:

22 (a) For all violations of s. 322.19.

23 (b) For all violations of ss. 320.0605, 320.07(1),
24 322.065, and 322.15(1). Any person who is cited for a
25 violation of s. 320.07(1) shall be charged a delinquent fee
26 pursuant to s. 320.07(4).

27 1. If a person who is cited for a violation of s.
28 320.0605 or s. 320.07 can show proof of having a valid
29 registration at the time of arrest, the clerk of the court may
30 dismiss the case and may assess a \$5 dismissal fee. A person
31 who finds it impossible or impractical to obtain a valid

1 registration certificate must submit an affidavit detailing
2 the reasons for the impossibility or impracticality. The
3 reasons may include, but are not limited to, the fact that the
4 vehicle was sold, stolen, or destroyed; that the state in
5 which the vehicle is registered does not issue a certificate
6 of registration; or that the vehicle is owned by another
7 person.

8 2. If a person who is cited for a violation of s.
9 322.03, s. 322.065, or s. 322.15 can show a driver's license
10 issued to him or her and valid at the time of arrest, the
11 clerk of the court may dismiss the case and may assess a \$5
12 dismissal fee.

13 3. If a person who is cited for a violation of s.
14 316.646 can show proof of security as required by s. 627.733,
15 issued to the person and valid at the time of arrest, the
16 clerk of the court may dismiss the case and may assess a \$5
17 dismissal fee. A person who finds it impossible or impractical
18 to obtain proof of security must submit an affidavit detailing
19 the reasons for the impracticality. The reasons may include,
20 but are not limited to, the fact that the vehicle has since
21 been sold, stolen, or destroyed; that the owner or registrant
22 of the vehicle is not required by s. 627.733 to maintain
23 personal injury protection insurance; or that the vehicle is
24 owned by another person.

25 (c) For all violations of ss. 316.2935 and 316.610.
26 However, for a violation of s. 316.2935 or s. 316.610, if the
27 person committing the violation corrects the defect and
28 obtains proof of such timely repair by an affidavit of
29 compliance executed by the law enforcement agency within 30
30 days from the date upon which the traffic citation was issued,
31 and pays \$4 to the law enforcement agency, thereby completing

1 the affidavit of compliance, then upon presentation of said
2 affidavit by the defendant to the clerk within the 30-day time
3 period set forth under s. 318.14(4), the fine must be reduced
4 to \$5, which the clerk of the court shall retain.

5 (11) Fifty dollars for a violation of s.
6 316.2045(2)(e).

7 Section 3. Section 318.121, Florida Statutes, is
8 amended to read:

9 318.121 Preemption of additional fees, fines,
10 surcharges, and costs.--Notwithstanding any general or special
11 law, or municipal or county ordinance, additional fees, fines,
12 surcharges, or costs other than the court costs assessed under
13 s. 318.18(12)~~s. 318.18(11)~~ may not be added to the civil
14 traffic penalties assessed in this chapter.

15 Section 4. This act shall take effect July 1, 2001.

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18 HOUSE SUMMARY

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20 Prohibits persons under 15 years of age from standing or
21 approaching vehicles on any public street, highway, or
22 road for purposes of soliciting, collecting from, or
23 distributing to the occupant of a motor vehicle. Provides
for violations to be cited as pedestrian violations,
effective July 1, 2002, and for the issuance of a warning
for violations prior to that date.

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25 Prohibits persons from directing persons under the age of
26 15 years to unlawfully stand or approach motor vehicles
on the road. Provides for violations to be cited as
noncriminal traffic infractions, effective July 1, 2002,
and for the issuance of a warning for violations prior to
that date.

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