

By the Committee on Criminal Justice and Senator Meek

307-2106-99

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 18 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 that a first-time violation  
9           results in a warning and that subsequent  
10          violations will be cited as pedestrian  
11          violations; providing for a noncriminal traffic  
12          infraction punishable as provided in ch. 318,  
13          F.S., for any person who directs a person under  
14          a specified age to unlawfully stand or approach  
15          motor vehicles on a public street, highway, or  
16          road; amending s. 318.18, F.S.; providing  
17          penalties; amending s. 318.121, F.S.;  
18          conforming cross-references; providing an  
19          effective date.

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 ~~subsection~~ is guilty of a  
12 misdemeanor of the second degree, punishable as provided in s.  
13 775.082 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 18 years may not stand or approach a motor  
24 vehicle on any public street, highway, or road in the area  
25 that 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 a person under the age of 18. Notwithstanding s.  
29 318.143, any person who violates this paragraph shall be cited  
30 for a pedestrian violation, punishable as provided in ss.  
31 318.14 and 318.18. However, for a first-time violation of this

1 paragraph, the law enforcement officer shall issue a warning  
2 to the offender.

3 (e) Any person who directs a person under 18 years of  
4 age to violate paragraph (d) shall be cited for a noncriminal  
5 traffic infraction, punishable as provided in chapter 318. A  
6 separate civil penalty may be imposed for each day a violation  
7 of this paragraph continues.

8 Section 2. Subsection (1) of section 318.18, Florida  
9 Statutes, 1998 Supplement, is amended, present subsection (11)  
10 of that section is redesignated as subsection (12), and a new  
11 subsection (11) is added to that section, to read:

12 318.18 Amount of civil penalties.--The penalties  
13 required for a noncriminal disposition pursuant to s. 318.14  
14 are as follows:

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

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

18 (b) For all violations of ss. 320.0605(1), 320.07(1),  
19 322.065, and 322.15(1). Any person who is cited for a  
20 violation of s. 320.07(1) shall be charged a delinquent fee  
21 pursuant to s. 320.07(4).

22 1. If a person who is cited for a violation of s.  
23 320.0605 or s. 320.07 can show proof of having a valid  
24 registration at the time of arrest, the clerk of the court may  
25 dismiss the case and may assess a \$5 dismissal fee. A person  
26 who finds it impossible or impractical to obtain a valid  
27 registration certificate must submit an affidavit detailing  
28 the reasons for the impossibility or impracticality. The  
29 reasons may include, but are not limited to, the fact that the  
30 vehicle was sold, stolen, or destroyed; that the state in  
31 which the vehicle is registered does not issue a certificate

1 of registration; or that the vehicle is owned by another  
2 person.

3           2. If a person who is cited for a violation of s.  
4 322.03, s. 322.065, or s. 322.15 can show a driver's license  
5 issued to him or her and valid at the time of arrest, the  
6 clerk of the court may dismiss the case and may assess a \$5  
7 dismissal fee.

8           3. If a person who is cited for a violation of s.  
9 316.646 can show proof of security as required by s. 627.733,  
10 issued to the person 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. A person who finds it impossible or impractical  
13 to obtain proof of security must submit an affidavit detailing  
14 the reasons for the impracticality. The reasons may include,  
15 but are not limited to, the fact that the vehicle has since  
16 been sold, stolen, or destroyed; that the owner or registrant  
17 of the vehicle is not required by s. 627.733 to maintain  
18 personal injury protection insurance; or that the vehicle is  
19 owned by another person.

20           (c) For all violations of ss. 316.2935 and 316.610.  
21 However, for a violation of s. 316.2935 or s. 316.610, if the  
22 person committing the violation corrects the defect and  
23 obtains proof of such timely repair by an affidavit of  
24 compliance executed by the law enforcement agency within 30  
25 days from the date upon which the traffic citation was issued,  
26 and pays \$4 to the law enforcement agency, thereby completing  
27 the affidavit of compliance, then upon presentation of said  
28 affidavit by the defendant to the clerk within the 30-day time  
29 period set forth under s. 318.14(4), the fine must be reduced  
30 to \$5, which the clerk of the court shall retain.

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1           (11) Two hundred fifty dollars for a violation of s.  
2           316.2045(2)(e).

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

5           318.121 Preemption of additional fees, fines,  
6 surcharges, and costs.--Notwithstanding any general or special  
7 law, or municipal or county ordinance, additional fees, fines,  
8 surcharges, or costs other than the court costs assessed under  
9 s. 318.18(12)~~s. 318.18(11)~~may not be added to the civil  
10 traffic penalties assessed in this chapter.

11           Section 4. This act shall take effect upon becoming a  
12 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 Senate Bill 2254

- 4 1. Deletes section 2 of the bill which amended s. 337.406,  
5 F.S.  
6 2. Reinstates existing law's second degree misdemeanor  
7 penalty for the offense of obstructing any public  
8 street, highway, or road for the purpose of  
9 solicitation.  
10 3. Prohibits a person under 18 years of age from standing,  
11 or approaching a motor vehicle, on a public street,  
12 highway, or road from not only soliciting, but also from  
13 collecting from or distributing to motor vehicle  
14 occupants.  
15 4. Adds that in order for a minor to be found that he or  
16 she unlawfully stood or approached a motor vehicle that  
17 it must be shown that the minor was in the portion of  
18 the road open for use by vehicular traffic, and must be  
19 shown that there was some risk to the minor's safety.  
20 5. Adds that a minor who violates this prohibition shall  
21 receive a warning for a first offense, and shall receive  
22 a \$15 pedestrian violation for subsequent offenses,  
23 notwithstanding the provisions of s. 318.143, F.S.  
24 6. Deletes the bill's amendment which provided that  
25 entities and organizations are subject to a civil  
26 penalty of up to \$500 for directing a person to violate  
27 the section.  
28 7. Adds that any person who directs a minor to unlawfully  
29 stand or approach motor vehicles shall be cited for a  
30 noncriminal traffic infraction, punishable as provided  
31 in Chapter 318.  
8. Amends. s. 318.18, F.S., to provide that any person who  
unlawfully directs a minor shall receive a civil  
citation, and will be fined \$250.