

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; prohibiting persons from directing
12 a person under the age of 18 years to
13 unlawfully stand or approach motor vehicles on
14 the road; providing that a first-time violation
15 results in a warning and that subsequent
16 violations will be punished as provided in ch.
17 318, F.S.; amending s. 318.18, F.S.; providing
18 penalties; amending s. 318.121, F.S.;
19 conforming cross-references; providing an
20 effective date.

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

23
24 Section 1. Subsections (1) and (2) of section
25 316.2045, Florida Statutes, are amended to read:

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

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

1 standing or approaching motor vehicles thereon, or by
2 endangering the safe movement of vehicles or pedestrians
3 traveling thereon; and any person or persons who violate the
4 provisions of this subsection, upon conviction, shall be cited
5 for a pedestrian violation, punishable as provided in chapter
6 318.

7 (2)(a) It is unlawful, without proper authorization or
8 a lawful permit, for any person or persons willfully to
9 obstruct the free, convenient, and normal use of any public
10 street, highway, or road by any of the means specified in
11 subsection (1) in order to solicit. Any person who violates
12 the provisions of this ~~paragraph subsection~~ is guilty of a
13 misdemeanor of the second degree, punishable as provided in s.
14 775.082 or s. 775.083.

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

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

23 (d) Notwithstanding paragraphs (b) and (c), a person
24 under the age of 18 years may not stand, or approach a motor
25 vehicle, on any public street, highway, or road in the area
26 which is open for use by the public for vehicular traffic
27 purposes in order to solicit, collect from, or distribute to
28 the occupant of a motor vehicle where there is some risk to
29 the safety of the person under the age of 18, unless on-site
30 supervision is being provided by a person 21 years of age or
31 older who otherwise qualifies to solicit. Notwithstanding s.

1 318.143, a violation of this paragraph is a noncriminal
2 traffic infraction, punishable as a pedestrian violation as
3 provided in chapter 318. However, for a first-time violation
4 of this paragraph, the law enforcement officer shall issue a
5 warning to the offender.

6 (e) Any person who directs a person under 18 years of
7 age to violate paragraph (d) shall be cited for a noncriminal
8 traffic infraction, punishable as provided in chapter 318.
9 However, for a first-time violation of this paragraph, the law
10 enforcement officer shall issue a warning to the offender.

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

15 318.18 Amount of civil penalties.--The penalties
16 required for a noncriminal disposition pursuant to s. 318.14
17 are as follows:

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

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

21 (b) For all violations of ss. 320.0605(1), 320.07(1),
22 322.065, and 322.15(1). Any person who is cited for a
23 violation of s. 320.07(1) shall be charged a delinquent fee
24 pursuant to s. 320.07(4).

25 1. If a person who is cited for a violation of s.
26 320.0605 or s. 320.07 can show proof of having a valid
27 registration at the time of arrest, the clerk of the court may
28 dismiss the case and may assess a \$5 dismissal fee. A person
29 who finds it impossible or impractical to obtain a valid
30 registration certificate must submit an affidavit detailing
31 the reasons for the impossibility or impracticality. The

1 reasons may include, but are not limited to, the fact that the
2 vehicle was sold, stolen, or destroyed; that the state in
3 which the vehicle is registered does not issue a certificate
4 of registration; or that the vehicle is owned by another
5 person.

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

11 3. If a person who is cited for a violation of s.
12 316.646 can show proof of security as required by s. 627.733,
13 issued to the person and valid at the time of arrest, the
14 clerk of the court may dismiss the case and may assess a \$5
15 dismissal fee. A person who finds it impossible or impractical
16 to obtain proof of security must submit an affidavit detailing
17 the reasons for the impracticality. The reasons may include,
18 but are not limited to, the fact that the vehicle has since
19 been sold, stolen, or destroyed; that the owner or registrant
20 of the vehicle is not required by s. 627.733 to maintain
21 personal injury protection insurance; or that the vehicle is
22 owned by another person.

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

1 period set forth under s. 318.14(4), the fine must be reduced
2 to \$5, which the clerk of the court shall retain.

3 (11) Two hundred fifty dollars for a violation of s.
4 316.2045(2)(e).

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

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

13 Section 4. This act shall take effect upon becoming a
14 law.