

By the Committee on Transportation and Representative C. 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 prior to July 1, 2001; providing for citations
10 for pedestrian violations effective July 1,
11 2001; prohibiting persons from directing a
12 person under the age of 15 years to unlawfully
13 stand or approach motor vehicles on the road;
14 providing for warnings for violations prior to
15 July 1, 2001; providing for citations for
16 noncriminal traffic infractions effective July
17 1, 2001; amending s. 318.18, F.S.; providing
18 penalties; amending s. 318.121, F.S.;
19 conforming a cross reference; amending s.
20 385.207, F.S.; removing an obsolete reference,
21 to conform; providing an effective date.

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

24
25 Section 1. Subsections (1) and (2) of section
26 316.2045, Florida Statutes, are amended to read:

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

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

1 retarding, or restraining traffic or passage thereon, by
2 standing or approaching motor vehicles thereon, or by
3 endangering the safe movement of vehicles or pedestrians
4 traveling thereon; and any person or persons who violate the
5 provisions of this subsection, upon conviction, shall be cited
6 for a pedestrian violation, punishable as provided in chapter
7 318.

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

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

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

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

1 years who violates this paragraph. Effective July 1, 2001, a
2 minor under the age of 15 years who violates this paragraph
3 may be issued a citation by a law enforcement officer and
4 assessed a fine for a noncriminal traffic infraction,
5 punishable as a pedestrian violation, as provided in s.
6 318.18. A violation of this paragraph shall not be subject to
7 the provisions of s. 318.143.

8 (e) A person may not direct another person under the
9 age of 15 years to violate paragraph (d). Law enforcement
10 officers may issue a warning to any person who violates this
11 paragraph. Effective July 1, 2001, any person who violates
12 this paragraph may be issued a citation by a law enforcement
13 officer and assessed a fine for a noncriminal traffic
14 infraction, as provided in chapter 318.

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

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

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

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

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

29 1. If a person who is cited for a violation of s.
30 320.0605 or s. 320.07 can show proof of having a valid
31 registration at the time of arrest, the clerk of the court may

1 dismiss the case and may assess a \$5 dismissal fee. A person
2 who finds it impossible or impractical to obtain a valid
3 registration certificate must submit an affidavit detailing
4 the reasons for the impossibility or impracticality. The
5 reasons may include, but are not limited to, the fact that the
6 vehicle was sold, stolen, or destroyed; that the state in
7 which the vehicle is registered does not issue a certificate
8 of registration; or that the vehicle is owned by another
9 person.

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

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

27 (c) For all violations of ss. 316.2935 and 316.610.
28 However, for a violation of s. 316.2935 or s. 316.610, if the
29 person committing the violation corrects the defect and
30 obtains proof of such timely repair by an affidavit of
31 compliance executed by the law enforcement agency within 30

1 days from the date upon which the traffic citation was issued,
2 and pays \$4 to the law enforcement agency, thereby completing
3 the affidavit of compliance, then upon presentation of said
4 affidavit by the defendant to the clerk within the 30-day time
5 period set forth under s. 318.14(4), the fine must be reduced
6 to \$5, which the clerk of the court shall retain.

7 (11) Fifty dollars for a violation of s.
8 316.2045(2)(e).

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

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

17 Section 4. Subsection (3) of section 385.207, Florida
18 Statutes, is amended to read:

19 385.207 Care and assistance of persons with epilepsy;
20 establishment of programs in epilepsy control.--

21 (3) Revenue for statewide implementation of programs
22 for epilepsy prevention and education pursuant to this section
23 ~~shall be derived pursuant to the provisions of s. 318.18(12)~~
24 ~~and~~ shall be deposited in the Epilepsy Services Trust Fund,
25 which is hereby established to be administered by the
26 Department of Health. All funds deposited into the trust fund
27 shall be invested pursuant to the provisions of s. 18.125.
28 Interest income accruing to such invested funds shall increase
29 the total funds available under this subsection.

30 Section 5. This act shall take effect upon becoming a
31 law.