

By the Committee on Criminal Justice and Senator Meek

307-1818-00

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 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 15 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 cited as noncriminal traffic
17 infractions; amending s. 318.18, F.S.;
18 providing penalties; amending s. 385.207, F.S.;
19 conforming a cross-reference; amending s.
20 318.21, F.S.; providing a cross-reference;
21 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 ~~subsection~~ is guilty of a
14 | misdemeanor of the second degree, punishable as provided in s.
15 | 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 | that 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. Notwithstanding
31 | s. 318.143, a violation of this paragraph is a noncriminal

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

5 (e) Any person who directs a person under 15 years of
6 age to violate paragraph (d) shall be cited for a noncriminal
7 traffic infraction, punishable as provided in chapter 318.
8 However, for a first-time violation of this paragraph, the law
9 enforcement officer shall issue a warning to the offender.

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

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

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

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

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

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

1 vehicle was sold, stolen, or destroyed; that the state in
2 which the vehicle is registered does not issue a certificate
3 of registration; or that the vehicle is owned by another
4 person.

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

10 3. If a person who is cited for a violation of s.
11 316.646 can show proof of security as required by s. 627.733,
12 issued to the person 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. A person who finds it impossible or impractical
15 to obtain proof of security must submit an affidavit detailing
16 the reasons for the impracticality. The reasons may include,
17 but are not limited to, the fact that the vehicle has since
18 been sold, stolen, or destroyed; that the owner or registrant
19 of the vehicle is not required by s. 627.733 to maintain
20 personal injury protection insurance; or that the vehicle is
21 owned by another person.

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

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) 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(11) may not be added to the civil traffic penalties
12 assessed in this chapter.

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

15 385.207 Care and assistance of persons with epilepsy;
16 establishment of programs in epilepsy control.--

17 (3) Revenue for statewide implementation of programs
18 for epilepsy prevention and education pursuant to this section
19 shall be derived pursuant to the provisions of s. 318.21(6)~~s.~~
20 ~~318.18(12)~~ and shall be deposited in the Epilepsy Services
21 Trust Fund, which is hereby established to be administered by
22 the Department of Health. All funds deposited into the trust
23 fund shall be invested pursuant to the provisions of s.
24 18.125. Interest income accruing to such invested funds shall
25 increase the total funds available under this subsection.

26 Section 5. Subsection (6) of section 318.21, Florida
27 Statutes, is amended to read:

28 318.21 Disposition of civil penalties by county
29 courts.--All civil penalties received by a county court
30 pursuant to the provisions of this chapter shall be
31 distributed and paid monthly as follows:

1 (6) For every violation of s. 316.2045(2)(d) or (e),
2 s. 316.613, or s. 316.614, \$5 will be deducted from the civil
3 penalty assessed under this chapter and deposited into the
4 Epilepsy Services Trust Fund established under s. 385.207.
5 The remainder must be distributed pursuant to subsections (1)
6 and (2).

7 Section 6. This act shall take effect upon becoming a
8 law.

9
10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 856

13 Corrected cross-references and included a necessary
14 cross-reference so that some of the court costs paid as a
15 result of the infractions will be deposited into the Epilepsy
16 Services Trust Fund.
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31