

By Senator Meek

36-8-01

1 A bill to be entitled
2 An act relating to traffic safety; amending s.
3 316.2045, F.S.; prohibiting certain minors from
4 standing or approaching vehicles on any public
5 street, highway, or road for purposes of
6 soliciting or collecting contributions from or
7 distributing materials to the occupant of a
8 motor vehicle; providing that a first-time
9 violation results in a warning and that
10 subsequent violations will be cited as
11 pedestrian violations; prohibiting persons from
12 directing such minors to unlawfully stand or
13 approach motor vehicles on the road; providing
14 that a first-time violation results in a
15 warning and that subsequent violations will be
16 cited as noncriminal traffic infractions;
17 amending s. 318.18, F.S.; providing penalties;
18 amending s. 318.121, F.S.; conforming a
19 cross-reference; amending s. 318.21, F.S.;
20 providing a cross-reference; providing an
21 effective date.

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

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25 Section 1. Subsection (2) of section 316.2045, Florida
26 Statutes, is amended to read:

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

29 (2)(a) It is unlawful, without proper authorization or
30 a lawful permit, for any person or persons willfully to
31 obstruct the free, convenient, and normal use of any public

1 street, highway, or road by any of the means specified in
2 subsection (1) in order to solicit. Any person who violates
3 the provisions of this ~~paragraph subsection~~ is guilty of a
4 misdemeanor of the second degree, punishable as provided in s.
5 775.082 or s. 775.083.

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

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

14 (d) Notwithstanding paragraphs (b) and (c), a minor
15 under the age of 15 years may not stand near or approach a
16 motor vehicle on any public street, highway, or road in an
17 area that is open for vehicular traffic in order to solicit or
18 collect a contribution from or distribute any material to the
19 occupant of a motor vehicle if doing so involves risk to the
20 safety of the minor. Notwithstanding s. 318.143, a violation
21 of this paragraph is a noncriminal traffic infraction,
22 punishable as a pedestrian violation as provided in chapter
23 318. However, for a first-time violation of this paragraph,
24 the law enforcement officer shall issue only a warning to the
25 offender.

26 (e) Any person who directs a minor under the age of 15
27 years to violate paragraph (d) shall be cited for a
28 noncriminal traffic infraction, punishable as provided in
29 chapter 318. However, for a first-time violation of this
30 paragraph, the law enforcement officer shall issue only a
31 warning to the offender.

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

5 318.18 Amount of civil penalties.--The penalties
6 required for a noncriminal disposition pursuant to s. 318.14
7 are as follows:

8 (2) Except as otherwise provided in this section, \$30
9 ~~Thirty dollars~~ for all nonmoving traffic violations and:

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

11 (b) For all violations of ss. 320.0605, 320.07(1),
12 322.065, and 322.15(1). Any person who is cited for a
13 violation of s. 320.07(1) shall be charged a delinquent fee
14 pursuant to s. 320.07(4).

15 1. If a person who is cited for a violation of s.
16 320.0605 or s. 320.07 can show proof of having a valid
17 registration at the time of arrest, the clerk of the court may
18 dismiss the case and may assess a \$5 dismissal fee. A person
19 who finds it impossible or impractical to obtain a valid
20 registration certificate must submit an affidavit detailing
21 the reasons for the impossibility or impracticality. The
22 reasons may include, but are not limited to, the fact that the
23 vehicle was sold, stolen, or destroyed; that the state in
24 which the vehicle is registered does not issue a certificate
25 of registration; or that the vehicle is owned by another
26 person.

27 2. If a person who is cited for a violation of s.
28 322.03, s. 322.065, or s. 322.15 can show a driver's license
29 issued to him or her and valid at the time of arrest, the
30 clerk of the court may dismiss the case and may assess a \$5
31 dismissal fee.

1 3. If a person who is cited for a violation of s.
2 316.646 can show proof of security as required by s. 627.733,
3 issued to the person and valid at the time of arrest, the
4 clerk of the court may dismiss the case and may assess a \$5
5 dismissal fee. A person who finds it impossible or impractical
6 to obtain proof of security must submit an affidavit detailing
7 the reasons for the impracticality. The reasons may include,
8 but are not limited to, the fact that the vehicle has since
9 been sold, stolen, or destroyed; that the owner or registrant
10 of the vehicle is not required by s. 627.733 to maintain
11 personal injury protection insurance; or that the vehicle is
12 owned by another person.

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

24 (11) Fifty dollars for a violation of s.
25 316.2045(2)(e).

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

28 318.121 Preemption of additional fees, fines,
29 surcharges, and costs.--Notwithstanding any general or special
30 law, or municipal or county ordinance, additional fees, fines,
31 surcharges, or costs other than the court costs assessed under

1 s. 318.18(12)~~s. 318.18(11)~~ may not be added to the civil
2 traffic penalties assessed in this chapter.

3 Section 4. Subsection (6) of section 318.21, Florida
4 Statutes, is amended to read:

5 318.21 Disposition of civil penalties by county
6 courts.--All civil penalties received by a county court
7 pursuant to the provisions of this chapter shall be
8 distributed and paid monthly as follows:

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

15 Section 5. This act shall take effect July 1, 2001.

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18 SENATE SUMMARY

19 Provides restrictions on the solicitation of, collection
20 from, or distribution to the occupant of a motor vehicle
21 on a public street or highway by specified persons.
22 Provides penalties.

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