

By the Committee on Criminal Justice and Senator Meek

307-1455-01

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 collecting contributions from or distributing
7 materials to the occupant of a motor vehicle;
8 providing that a first-time violation results
9 in a warning and that subsequent violations
10 will be cited as pedestrian violations;
11 prohibiting persons from directing such minors
12 to unlawfully stand or approach motor vehicles
13 on the road; providing that a first-time
14 violation results in a warning and that
15 subsequent violations will be cited as
16 noncriminal traffic infractions; providing that
17 the prohibitions against minors standing or
18 approaching vehicles on any public street,
19 highway, or road for purposes of collecting
20 contributions from or distributing materials to
21 the occupant of a motor vehicle and against
22 persons directing them to do so do not apply in
23 a county or municipality unless enacted by
24 ordinance; providing that the local ordinance
25 may be more or less restrictive than state law;
26 amending s. 318.18, F.S.; providing penalties;
27 amending s. 318.121, F.S.; conforming a
28 cross-reference; amending s. 318.21, F.S.;
29 providing a cross-reference; providing an
30 effective date.
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1 Be It Enacted by the Legislature of the State of Florida:

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

5 316.2045 Obstruction of public streets, highways, and
6 roads.--

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 minor
24 under the age of 15 years may not stand near or approach a
25 motor vehicle on any public street, highway, or road in an
26 area that is open for vehicular traffic in order to collect a
27 contribution from or distribute any material to the occupant
28 of a motor vehicle if doing so involves risk to the safety of
29 the minor. Notwithstanding s. 318.143, a violation of this
30 paragraph is a noncriminal traffic infraction, punishable as a
31 pedestrian violation as provided in chapter 318. However, for

1 a first-time violation of this paragraph, the law enforcement
2 officer shall issue only a warning to the offender.

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

9 (f) Paragraphs (d) and (e) do not apply in a county or
10 municipality unless the governing body of the county or
11 municipality adopts an ordinance that incorporates by
12 reference the provisions of those paragraphs. Paragraphs (d)
13 and (e) do not preclude county or municipal ordinances that
14 prohibit certain minors from standing near or approaching
15 motor vehicles on public streets, highways, or roads from
16 providing restrictions more stringent or less stringent than
17 those set forth in those paragraphs.

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

22 318.18 Amount of civil penalties.--The penalties
23 required for a noncriminal disposition pursuant to s. 318.14
24 are as follows:

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

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

28 (b) For all violations of ss. 320.0605, 320.07(1),
29 322.065, and 322.15(1). Any person who is cited for a
30 violation of s. 320.07(1) shall be charged a delinquent fee
31 pursuant to s. 320.07(4).

1 1. If a person who is cited for a violation of s.
2 320.0605 or s. 320.07 can show proof of having a valid
3 registration at the time of arrest, the clerk of the court may
4 dismiss the case and may assess a \$5 dismissal fee. A person
5 who finds it impossible or impractical to obtain a valid
6 registration certificate must submit an affidavit detailing
7 the reasons for the impossibility or impracticality. The
8 reasons may include, but are not limited to, the fact that the
9 vehicle was sold, stolen, or destroyed; that the state in
10 which the vehicle is registered does not issue a certificate
11 of registration; or that the vehicle is owned by another
12 person.

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

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

30 (c) For all violations of ss. 316.2935 and 316.610.
31 However, for a violation of s. 316.2935 or s. 316.610, if the

1 person committing the violation corrects the defect and
2 obtains proof of such timely repair by an affidavit of
3 compliance executed by the law enforcement agency within 30
4 days from the date upon which the traffic citation was issued,
5 and pays \$4 to the law enforcement agency, thereby completing
6 the affidavit of compliance, then upon presentation of said
7 affidavit by the defendant to the clerk within the 30-day time
8 period set forth under s. 318.14(4), the fine must be reduced
9 to \$5, which the clerk of the court shall retain.

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

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

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

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

22 318.21 Disposition of civil penalties by county
23 courts.--All civil penalties received by a county court
24 pursuant to the provisions of this chapter shall be
25 distributed and paid monthly as follows:

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

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

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 86

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6 - Deletes the term "solicit" from the bill.

7 - Amends the bill so that the provisions in the bill will
8 only apply if a county or municipality adopts an
9 ordinance incorporating the provisions by reference.
10 Local governments are not precluded by the bill from
11 adopting ordinances that are more stringent or less
12 stringent than those provided in the bill.

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