

By the Committee on Transportation and Representatives  
Kosmas, Posey, Argenziano and Murman

1                                   A bill to be entitled  
2           An act relating to passengers of vehicles;  
3           amending s. 316.2015, F.S.; prohibiting certain  
4           persons from riding on the exterior of a  
5           passenger vehicle or in areas not designed or  
6           intended for the use of passengers on certain  
7           vehicles; prohibiting certain minors from  
8           riding within the body of a pickup truck or  
9           flatbed truck; providing exceptions; providing  
10          penalties; amending s. 316.008, F.S.;  
11          authorizing counties and municipalities to  
12          exempt themselves from such prohibition;  
13          providing an effective date.

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

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17           Section 1. Section 316.2015, Florida Statutes, is  
18 amended to read:

19           316.2015 Unlawful for person to ride on exterior of  
20 vehicle.--

21           (1) It is unlawful for any operator of a passenger  
22 vehicle to permit any person to ride on the bumper, radiator,  
23 fender, hood, top, trunk, or running board of such vehicle  
24 when operated upon any street or highway which is maintained  
25 by the state, county or municipality. ~~However, the operator~~  
26 ~~of any vehicle shall not be in violation of this section when~~  
27 ~~such operator permits any person to occupy seats securely~~  
28 ~~affixed to the exterior of such vehicle.~~Any person who  
29 violates ~~the provisions of~~ this subsection shall be cited for  
30 a moving violation, punishable as provided in chapter 318.

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1           (2) No person shall ride on any vehicle upon any  
2 portion thereof not designed or intended for the use of  
3 passengers. This provision shall not apply to:

4           (a) An employee engaged in the necessary discharge of  
5 a duty;

6           (b) A person who is being transported in response to  
7 an emergency by a public agency or pursuant to the direction  
8 or authority of a public agency;

9           (c) A person riding in a truck being operated on a  
10 farm or off the public roads of the state; or

11           (d) A person riding in a truck in a space intended for  
12 merchandise, except that each child 16 years of age or younger  
13 may not be transported on the public roads of the state in an  
14 open pickup truck or flatbed truck unless:

15           1. The child is restrained within the back of a truck  
16 that has been modified to include secure seating and safety  
17 restraints which would prevent the child from falling,  
18 jumping, or being thrown from the truck. The provisions of s.  
19 316.613 apply to a minor 5 years of age or younger riding in  
20 the body of an open pickup truck upon the public roads of the  
21 state.

22           2. There is a medical emergency and the child is  
23 accompanied by an adult.~~an employee engaged in the necessary~~  
24 ~~discharge of a duty or to a person or persons riding within~~  
25 ~~truck bodies in space intended for merchandise.~~ Any person  
26 who violates ~~the provisions of~~ this subsection shall be cited  
27 for a nonmoving violation, punishable as provided in chapter  
28 318.

29           (3) This section shall not apply to a performer  
30 engaged in a professional exhibition or person participating  
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1 in an exhibition or parade, or any such person preparing to  
2 participate in such exhibitions or parades.

3 Section 2. Subsection (7) is added to section 316.008,  
4 Florida Statutes, to read:

5 316.008 Powers of local authorities.--

6 (7) A county or municipality may adopt an ordinance  
7 that authorizes persons to ride on the bed of a pickup truck  
8 or flatbed truck, notwithstanding the prohibition contained in  
9 s. 316.2015.

10 Section 3. This act shall take effect October 1, 2000.

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