

CHAMBER ACTION

1 The Transportation Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to traffic safety; amending s. 316.2015,  
7 F.S.; removing an exception to prohibition of persons  
8 riding on the exterior of a passenger vehicle; revising  
9 exceptions to prohibition of persons riding on any vehicle  
10 on an area of the vehicle not designed or intended for the  
11 use of passengers; prohibiting operator from allowing  
12 certain minors to ride within the open body of a pickup  
13 truck or flatbed truck; providing exceptions; providing  
14 penalties; amending s. 316.008, F.S.; providing for  
15 counties and municipalities to allow, by ordinance, for  
16 persons to ride on the bed of a pickup truck or flatbed  
17 truck; providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Section 316.2015, Florida Statutes, is amended  
22 to read:

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23 316.2015 Unlawful for person to ride on exterior of  
24 vehicle.--

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

35 (2)(a) No person shall ride on any vehicle upon any  
36 portion thereof not designed or intended for the use of  
37 passengers. This paragraph shall not apply to:

38 1. An employee of a fire department or a volunteer  
39 firefighter when the firefighter is engaged in the necessary  
40 discharge of a duty;

41 2. A person who is being transported in response to an  
42 emergency by a public agency or pursuant to the direction or  
43 authority of a public agency; or

44 3. An employee of a solid waste or recyclable collection  
45 service while in the course of employment collecting solid waste  
46 or recyclables on designated routes ~~This provision shall not~~  
47 ~~apply to an employee engaged in the necessary discharge of a~~  
48 ~~duty or to a person or persons riding within truck bodies in~~  
49 ~~space intended for merchandise.~~

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50        (b) It is unlawful for any operator of a pickup truck or  
 51 flatbed truck to permit a minor child who has not attained 18  
 52 years of age to ride upon the public roads of the state within  
 53 the open body of the pickup truck or flatbed truck unless the  
 54 minor is restrained within the open body in the back of a truck  
 55 which has been modified to include secure seating and safety  
 56 restraints which would prevent the minor from being thrown,  
 57 falling, or jumping from the truck. This paragraph shall not  
 58 apply in a medical emergency if the child is accompanied within  
 59 the truck by an adult and shall not apply when the truck is  
 60 being operated on a farm or off the public roads of the state.

61        (c) Any person who violates ~~the provisions of~~ this  
 62 subsection shall be cited for a nonmoving violation, punishable  
 63 as provided in chapter 318.

64        (3) This section shall not apply to a performer engaged in  
 65 a professional exhibition or person participating in an  
 66 exhibition or parade, or any such person preparing to  
 67 participate in such exhibitions or parades.

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

70        316.008 Powers of local authorities.--

71        (7) A county or municipality may adopt an ordinance that  
 72 authorizes persons to ride on the bed of a pickup truck or  
 73 flatbed truck, notwithstanding the prohibition contained in s.  
 74 316.2015.

75        Section 3. This act shall take effect July 1, 2005.