

1 A bill to be entitled

2 An act relating to traffic safety; amending s. 316.2015,
 3 F.S.; removing an exception to prohibition of persons
 4 riding on the exterior of a passenger vehicle; revising
 5 exceptions to prohibition of persons riding on any area of
 6 a vehicle not designed or intended for the use of
 7 passengers; prohibiting operator from allowing certain
 8 minors to ride within the open body of a pickup truck or
 9 flatbed truck while traveling on certain facilities;
 10 providing exceptions; providing penalties; amending s.
 11 316.614, F.S.; revising provisions relating to safety belt
 12 usage; requiring the Department of Highway Safety and
 13 Motor Vehicles to develop a policy to prohibit the
 14 practice of racial profiling; providing an effective date.

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

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

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

22 (1) It is unlawful for any operator of a passenger vehicle
 23 to permit any person to ride on the bumper, radiator, fender,
 24 hood, top, trunk, or running board of such vehicle when operated
 25 upon any street or highway which is maintained by the state, a
 26 county, or a municipality. ~~However, the operator of any vehicle~~
 27 ~~shall not be in violation of this section when such operator~~
 28 ~~permits any person to occupy seats securely affixed to the~~

29 ~~exterior of such vehicle.~~ Any person who violates the provisions
 30 ~~of~~ this subsection shall be cited for a moving violation,
 31 punishable as provided in chapter 318.

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

35 1. An employee of a fire department or a volunteer
 36 firefighter when the firefighter is engaged in the necessary
 37 discharge of a duty;

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

41 3. An employee of a solid waste or recyclable collection
 42 service while in the course of employment collecting solid waste
 43 or recyclables on designated routes; or ~~This provision shall not~~
 44 ~~apply to an employee engaged in the necessary discharge of a~~
 45 ~~duty or to~~

46 4. A person or persons riding within truck bodies in space
 47 intended for merchandise.

48 (b) It is unlawful for any operator of a pickup truck or
 49 flatbed truck to permit a minor child who has not attained 18
 50 years of age to ride upon limited access facilities of the state
 51 within the open body of the pickup truck or flatbed truck unless
 52 the minor is restrained within the open body in the back of a
 53 truck which has been modified to include secure seating and
 54 safety restraints that would prevent the minor from being
 55 thrown, falling, or jumping from the truck. This paragraph does
 56 not apply in a medical emergency if the child is accompanied

57 within the truck by an adult. A county is exempt from this
58 paragraph if the governing body of the county, by majority vote,
59 following a duly noticed public hearing, votes to exempt the
60 county from this paragraph.

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. Subsections (4) and (8) of section 316.614,
69 Florida Statutes, are amended, present subsection (9) of that
70 section is redesignated as subsection (10), and a new subsection
71 (9) is added to that section, to read:

72 316.614 Safety belt usage.--

73 (4) It is unlawful for any person:

74 (a) To operate a motor vehicle in this state unless each
75 passenger and the operator of the vehicle under the age of 18
76 years is restrained by a safety belt or by a child restraint
77 device pursuant to s. 316.613, if applicable; or

78 (b) To operate a motor vehicle in this state unless the
79 person is restrained by a safety belt.

80 (8) Any person who violates the provisions of this section
81 commits a nonmoving violation, punishable as provided in chapter
82 318. However, except for violations of s. 316.613 and paragraph
83 (4) (a), enforcement of this section by state or local law
84 enforcement agencies must be accomplished only as a secondary

85 | action when a driver of a motor vehicle has been detained for a
86 | suspected violation of another section of this chapter, chapter
87 | 320, or chapter 322.

88 | (9) By January 1, 2006, each law enforcement agency in
89 | this state shall adopt departmental policies to prohibit the
90 | practice of racial profiling. When a law enforcement officer
91 | issues a citation for a violation of this section, the law
92 | enforcement officer must record the race and ethnicity of the
93 | violation. All law enforcement agencies must maintain such
94 | information and forward the information to the department in a
95 | form and manner determined by the department. The department
96 | shall collect this information by jurisdiction and annually
97 | report the data to the Governor, the President of the Senate,
98 | and the Speaker of the House of Representatives. The report must
99 | show separate statewide totals for the state's county sheriffs
100 | and municipal law enforcement agencies, state law enforcement
101 | agencies, and state university law enforcement agencies.

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