



101750

LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/27/2010 04:20 PM

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Senator Siplin moved the following:

Senate Amendment (with title amendment)

Between lines 415 and 416

insert:

Section 7. Subsection (2) of section 316.2015, Florida Statutes, is amended to read:

316.2015 Unlawful for person to ride on exterior of vehicle.—

(2) (a) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This paragraph does not apply to an employee of a fire department, an employee of a governmentally operated solid waste disposal department or a waste disposal service operating pursuant to a



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14 contract with a governmental entity, or to a volunteer
15 firefighter when the employee or firefighter is engaged in the
16 necessary discharge of a duty, and does not apply to a person
17 who is being transported in response to an emergency by a public
18 agency or pursuant to the direction or authority of a public
19 agency. This paragraph does not apply to an employee engaged in
20 the necessary discharge of a duty or to a person or persons
21 riding within truck bodies in space intended for merchandise.

22 (b) It is unlawful for any operator of a pickup truck or
23 flatbed truck to permit a minor child who has not attained 18
24 years of age to ride upon limited access facilities of the state
25 within the open body of a pickup truck or flatbed truck unless
26 the minor is restrained within the open body in the back of a
27 truck that has been modified to include secure seating and
28 safety restraints to prevent the passenger from being thrown,
29 falling, or jumping from the truck. This paragraph does not
30 apply in a medical emergency if the child is accompanied within
31 the truck by an adult. A county is exempt from this paragraph if
32 the governing body of the county, by majority vote, following a
33 noticed public hearing, votes to exempt the county from this
34 paragraph.

35 (c) It is unlawful for any operator of a pickup truck or
36 flatbed truck to permit a minor child who has not attained 3
37 years of age to ride upon any street or highway maintained by
38 the state, a county, or a municipality which has a posted speed
39 limit greater than 35 miles per hour within the open body of a
40 pickup truck or flatbed truck unless the minor is restrained
41 within the open body in the back of a truck that has been
42 modified to include secure seating and safety restraints to



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43 prevent the passenger from being thrown, falling, or jumping
44 from the truck. This paragraph does not apply in a medical
45 emergency if the child is accompanied within the truck by an
46 adult. A county is exempt from this paragraph if the governing
47 body of the county, by majority vote, following a noticed public
48 hearing, votes to exempt the county from this paragraph. An
49 operator is exempt from this paragraph if the pickup truck is
50 the only vehicle owned by the operator or a member of the
51 operator's immediate family.

52 (d)~~(e)~~ Any person who violates this subsection shall be
53 cited for a nonmoving violation, punishable as provided in
54 chapter 318.

55
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Delete line 18

59 and insert:

60 "immobilization agencies"; amending s. 316.2015, F.S.;
61 prohibiting a child under the age of 3 years from
62 riding in the back of a pickup truck or flatbed truck
63 on a public road unless the child is restrained by the
64 use of specified safety restraints; providing
65 exceptions; authorizing the governing body of a county
66 to exempt the county from such requirement; amending
67 s. 316.2065, F.S.;