



302746

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/07/2010	.	
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The Committee on Criminal Justice (Siplin) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 288 and 289  
insert:

Section 5. 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



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13 department or a waste disposal service operating pursuant to a  
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 6  
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



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42 modified to include secure seating and safety restraints to  
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.

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 12

59 and insert:

60 drug-related traffic offense; amending s. 316.2015,  
61 F.S.; prohibiting a child under the age of 6 years  
62 from riding in the back of a pickup truck or flatbed  
63 truck on a public road unless the child is restrained  
64 by the 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. 316.646,