

1987

Session Law 87-200

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1987	Session Law No. 87-200	LOF Cite I, ii, 1298-1299	#pp 2
Prime Bill# HB 775	Sponsor	Comp./Sim. Bills SB 1093	
JIMC Hist. Leg. Cites	Senate pp.#s 172	House pp.#s 315	#pp 2
Committee of Ref.	Senate Transportation	House Transportation (Sub HSMV)	Previous versions?

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
H	Transp	1987	Bill files: HB 775	19/1641	
"	"	"	Meeting files	19/1642	15
S	Transp	1987	Bill files: SB 1093	18/1636	1
"	"	"	Meeting files: HB 775 (cont. of previous record)	18/1637	1
"	"	"	Meeting files	"	"

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp
SJ 618	✓	June 2, 1987	1				

Tape Recordings

H/S	Floor	Committee/subcommittee	Date	# Tapes	Location Cite

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp

BILL VOTE SHEET

(VS-87: File with Secretary of Senate)

BILL NO. SB 1093

COMMITTEE ON Transportation

DATE May 4, 1987

FINAL ACTION

TIME 2:00 P.M. - 5:00 P.M.

Favorably with 2 amendments

PLACE Committee Room C

Favorably with Committee Substitute

OTHER COMMITTEE REFERENCES:
(In order shown)

Unfavorably

None

OTHER: Temporarily Passed

Reconsidered

Not Considered

THE VOTE WAS:

FINAL BILL VOTE		SENATORS	#1 Techn.		#2 Techn.							
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
		Deratany	W		W							
X		Girardeau	I		I							
X		Hill	T		T							
X		Jennings	H		H							
X		Kiser	O		O							
		VICE CHAIRMAN Stuart	J		L							
X		CHAIRMAN Beard	T		T							
			O		C							
			B		B							
			J		J							
			E		E							
			C		C							
			T		T							
			I		I							
			O		O							
			N		N							
5	0	TOTAL	x		x							
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

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1636

(Attach additional page if necessary)

Please Complete: The key sponsor appeared (X)
 A Senator appeared ()
 Sponsor's aide appeared ()
 Other appearance ()

By Representatives Casas and Morse

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A bill to be entitled
An act relating to state uniform traffic control; amending s. 316.613, F.S., defining the term "motor vehicle" for the purposes of state law governing child restraint requirements; providing exceptions; providing an effective date.

This publication was produced at an average cost of 15 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

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

Section 1. Subsections (2) and (3) of section 316.613, Florida Statutes, 1986 Supplement, are renumbered as subsections (3) and (4) respectively, and a new subsection (2) is added to said section to read:

316.613 Child restraint requirements --

(2) As used in this section the term "motor vehicle" means a motor vehicle as defined in s. 316.003 that is operated on the roadways, streets, and highways of the state.

The term does not include:

(a) A school bus.

(b) A bus used for the transportation of persons for compensation.

(c) A farm tractor or implement of husbandry.

(d) A truck of net weight of more than 5,000 pounds.

(e) A motorcycle, moped, or bicycle.

Section 2. This act shall take effect October 1, 1987

HOUSE SUMMARY

Defines the term "motor vehicle" with respect to the state laws governing child restraint requirements to exclude a school bus, a bus used for the transportation of persons for compensation, a farm tractor or implement of husbandry, a truck of net weight of more than 5,000 pounds, or a motorcycle, moped, or bicycle.

By Senator Hill

This publication was produced at an average cost of 1.5 cents per page for the information of members of the Legislature and the public.

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A bill to be entitled

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Section 2. This act shall take effect October 1, 1987.

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Defines the term "motor vehicle" with respect to the state laws governing child restraint requirements to exclude a school bus, a bus used for the transportation of persons for compensation, a farm tractor or implement of husbandry, a truck of net weight of more than 5,000 pounds, or a motorcycle, moped, or bicycle.

STORAGE NAME: fsa87-h775

Date: June 5, 1987

HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION
FINAL STAFF ANALYSIS

19 1641

BILL #: HB 775

RELATING TO: Child Restraint & Driving Through a Work Zone Area

SPONSOR(S): Representatives Casas & Morse

EFFECTIVE DATE: October 1, 1987

BECAME LAW: June 30, 1987

CHAPTER 87-200, LAWS OF FLORIDA

COMPANION BILL(S): SB 1093

OTHER COMMITTEES OF REFERENCE: (1) None

(2) _____

I. SUMMARY:

This bill provides the same exemptions for certain motor vehicles under the child restraint law as set forth in the safety belt law using a common definition of "motor vehicle." In addition, the bill imposes penalties for speeding in construction zones. The bill also establishes that driving through a "work zone area" at greater than the posted speed on advisory speed plates will be punishable as careless driving.

A. Current Law & Present Situation:

Current law specifies that operators of passenger cars, vans, and pickup trucks are required to comply with the child restraint law, but provides no express exemptions for other motor vehicles as set forth in the safety belt law (s. 316.614).

Currently, signs posted in a work area are only advisory in nature.

B. Effect of Proposed Changes:

Defines the term "motor vehicle" as it is used in the child restraint law to exclude a school bus, a bus used for the transportation of persons for compensation, a farm tractor or implement of husbandry, a truck having a net weight of more than 5,000 pounds, or a motorcycle, moped, or bicycle.

Makes driving through a "work zone area" at greater than the posted speed punishable as careless driving.

II. ECONOMIC IMPACT:

A. Public:

None

B. Government:

None

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. COMMENTS:

None

V. LEGISLATIVE HISTORY:

A. Enacted Bill:

House Transportation Committee - Reported favorably without amendments.

House Chamber - Passed. (HJ 00747)

Senate Transportation Committee - Withdrawn.

Senate Chamber - Substituted for SB 1093; passed with two substantive amendments. One amendment deleted "passenger car, van, or pickup truck" from s. 316.613 and substituted the word "motor vehicles" which was already defined in the original bill. A second amendment provided that failure of a driver to comply with advisory speed plates in a work zone is prima facie evidence of careless driving. (SJ 00619)

House Chamber - Concurred with amendments and passed. (HJ 01105)

B. Disposition of Companion:

SB 1093 was laid on table under rule and HB 775 was passed as amended.

VI. PREPARED BY: Lois Watson/Randy Lenczyk

STORAGE NAME: BS HB775/7c

Date: April 21, 1987

Revised: _____

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION
STAFF ANALYSIS

BILL #: HB 775

RELATING TO: Child Restraint

SPONSOR(S): Representatives Casas and Morse

EFFECTIVE DATE: October 1, 1987

COMPANION BILL(S): SB 1093

OTHER COMMITTEES OF REFERENCE: (1) None

(2) _____

I. SUMMARY:

Defines the term "motor vehicle" as it is used in the child restraint law to exclude a school bus, a bus used for the transportation of persons for compensation, a farm tractor or implement of husbandry, a truck, of net weight of more than 5,000 pounds, or a motorcycle, moped, or bicycle.

II. ECONOMIC IMPACT:

A. Public:

None

B. Government:

State: None

Local: None

19 1641

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. COMMENTS:

None

V. AMENDMENTS:

None

STORAGE NAME: BS HB775/7c

Date: April 21, 1987

Revised: _____

Final: May 1, 1987

HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION
STAFF ANALYSIS

BILL #: HB 775

RELATING TO: Child Restraint

SPONSOR(S): Representatives Casas and Morse

EFFECTIVE DATE: October 1, 1987

COMPANION BILL(S): SB 1093

OTHER COMMITTEES OF REFERENCE: (1) None

(2) _____

I. SUMMARY:

Defines the term "motor vehicle" as it is used in the child restraint law to exclude a school bus, a bus used for the transportation of persons for compensation, a farm tractor or implement of husbandry, a truck, of net weight of more than 5,000 pounds, or a motorcycle, moped, or bicycle.

II. ECONOMIC IMPACT:

A. Public:

None

B. Government:

State: None

Local: None

19 1641

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. COMMENTS:

None

V. AMENDMENTS:

None

Page 2
Bill #HB 775
Date: May 1, 1987

VI. PREPARED BY: Lois Watson

VII. STAFF DIRECTOR: Robert W. Coggins

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Mohler <i>DM</i>	Garquhar <i>[Signature]</i>	1. TR	FAV . 2 amend.
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

Traffic Control/
Child Restraint

BILL NO. AND SPONSOR:

SB 1093 by
Senator Hill

I. SUMMARY:

A. Present Situation:

Section 316.613, F.S., requires that the operator of a motor vehicle as defined therein must secure any child 5 years of age or younger in an approved child restraint device while transporting such a child in a passenger car, van, or pickup truck.

18 *K 26*

The section contains no separate definition of "motor vehicle" other than to specify that the child restraint requirement applies to passenger cars, vans, and pickup trucks. The terms "passenger car," "van," and "pickup truck" are not defined in chapter 316.

B. Effect of Proposed Changes:

The bill would define a motor vehicle for purposes of section 316.613 by adopting the definition of a motor vehicle in section 316.003. Section 316.003 defines a motor vehicle as any vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated on rails, but not including any bicycle or moped.

The bill would exclude the following vehicles from the definition of "motor vehicle": school buses, buses used to transport persons for compensation, farm tractors and implements of husbandry, trucks of a net weight of more than 5,000 pounds, and motorcycles, mopeds and bicycles.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

In order to avoid ambiguity as to the applicability of the child restraint requirement it is suggested that the reference in the present law to passenger car, van, and pickup truck be deleted and that the term "motor vehicle" be substituted.

REVISED: May 4, 1987

BILL NO. SB 1093

DATE: April 30, 1987

Page 2

IV. AMENDMENTS:

#1 by Transportation: Technical.

#2 by Transportation: Removes references to passenger car, van, and pickup truck and replaces them with a reference to "motor vehicles."

SENATE COMMITTEE AMENDMENT

SB 1093

NO. _____
(reported favorably)

HB _____

The Committee on...Transportation...recommended the following
amendment which was moved by Senator.....and adopted:
and failed:

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Senate Amendment

On page1...., lines 11 and 12, strike
all of said lines

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No	Yes
			—	

and insert:

Section 1. Paragraph (a) of subsection (1) of section
316.613, Florida Statutes, 1986 Supplement, is amended,
subsections (2) and (3) are renumbered as

CODING: Words stricken are deletions; words underlined are additions.

* Amendment No. _____ taken up by committee: Adopted _ *
* Offered by _____ Failed _ *

(Amendment No. Adopted ___ Failed Date ___/___/___

SENATE COMMITTEE AMENDMENT

SB 1093

No. _____
(reported favorably)

HB _____

The Committee on...Transportation...recommended the following
amendment which was moved by Senator...and adopted:
and failed:

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Senate Amendment

On page 1, between lines 15 and 16,

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No <input type="checkbox"/>	Yes <input type="checkbox"/>
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insert:

(1)(a) Every operator of a motor vehicle as defined herein, while transporting a child in a motor vehicle ~~passenger-car, van, or pickup-truck~~ operated on the roadways, streets, or highways of this state, shall, if the child is 5 years of age or younger, provide for protection of the child by properly using a crash-tested, federally approved child restraint device. For children aged through 3 years, such restraint device must be a separate carrier. For children aged 4 through 5 years, a separate carrier or a seat belt may be used.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

 * Amendment No. __, taken up by committee: Adopted *
 * Offered by _____ Failed *

 (Amendment No. ____ Adopted ____ Failed ____ Date __/__/__)

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Mohler <i>DM</i>	Garciulo <i>Y</i>	1. TR _____	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT: Traffic Control/
Child Restraint

BILL NO. AND SPONSOR:
SB 1093 by
Senator Hill

I. SUMMARY:

18 1636

A. Present Situation:

Section 316.613, F.S., requires that the operator of a motor vehicle as defined therein must secure any child 5 years of age or younger in an approved child restraint device while transporting such a child in a passenger car, van, or pickup truck.

The section contains no separate definition of "motor vehicle" other than to specify that the child restraint requirement applies to passenger cars, vans, and pickup trucks. The terms "passenger car," "van," and "pickup truck" are not defined in chapter 316.

B. Effect of Proposed Changes:

The bill would define a motor vehicle for purposes of section 316.613 by adopting the definition of a motor vehicle in section 316.003. Section 316.003 defines a motor vehicle as any vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated on rails, but not including any bicycle or moped.

The bill would exclude the following vehicles from the definition of "motor vehicle": school buses, buses used to transport persons for compensation, farm tractors and implements of husbandry, trucks of a net weight of more than 5,000 pounds, and motorcycles, mopeds and bicycles.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

None.

III. COMMENTS:

In order to avoid ambiguity as to the applicability of the child restraint requirement it is suggested that the reference in the present law to passenger car, van, and pickup truck be deleted and that the term "motor vehicle" be substituted.

IV. AMENDMENTS:

None.