

By Senators Cowin, Grant, Lee, Myers, Holzendorf,  
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11-489-99

1                                   A bill to be entitled  
2           An act relating to school buses; requiring that  
3           buses purchased after a specified date and used  
4           in transporting certain students be equipped  
5           with safety belts or other restraints that  
6           comply with specified standards and with seats  
7           having a specified height; providing an  
8           exemption for certain school buses; requiring  
9           passengers to wear safety belts or other  
10          restraints; providing immunity of a school  
11          district, bus operator, and others for injuries  
12          to a passenger caused solely because the  
13          passenger was not wearing a safety belt or  
14          other restraint; providing immunity to such  
15          persons for injury caused by a passenger's  
16          dangerous or unsafe use of a safety belt or  
17          other restraint; providing certain provisions  
18          for implementation; providing an effective  
19          date.

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

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23           Section 1. (1)(a) Each school bus that is purchased  
24 after December 31, 2000, and used to transport students in  
25 grades pre-K through 12 must be equipped with:

26           1. Safety belts, or with any other restraint system  
27 approved by the Federal Government, in a number sufficient to  
28 allow each student who is being transported to use a separate  
29 safety belt or restraint system. If safety belts are used,  
30 they must meet the standards required under section 316.614,  
31 Florida Statutes.

1           2. Seats having backs that measure at least 28 inches  
2 from the plane on which the passenger sits to the top of the  
3 seat.

4           (b) A school bus that was purchased before December  
5 31, 2000, is not required to be equipped with safety belts or  
6 a federally approved restraint system or with 28-inch-high  
7 seat backs, and neither the state nor a school district shall  
8 be liable for personal injury to a passenger on such a school  
9 bus which is caused by the passenger's failure to wear a  
10 safety belt or restraint system.

11           (2) Each passenger on a school bus that is equipped  
12 with safety belts or a federally approved restraint system  
13 shall wear a properly adjusted and fastened safety belt or  
14 restraint system at all times while the bus is in operation.

15           (3) A school district, school bus operator under  
16 contract with a school district, or an agent or employee of a  
17 school district or operator, including a teacher or volunteer  
18 serving as a chaperone is not liable in an action for personal  
19 injury by a school bus passenger solely because the injured  
20 party was not wearing a safety belt or restraint system.

21           (4) A school district, school bus operator under  
22 contract with a school district, or an agent or employee of a  
23 school district or operator, including a teacher or volunteer  
24 serving as a chaperone is not liable in an action for personal  
25 injury by a school bus passenger for an injury caused by  
26 another passenger's use of a safety belt or federally approved  
27 restraint system in a dangerous or unsafe manner.

28           (5) In implementing this section, each school district  
29 must prioritize the allocation of buses equipped with safety  
30 belts or other federally approved restraint systems and with  
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1 28-inch-high seats, to ensure that elementary schools within  
2 the district receive first priority.

3 Section 2. This act shall take effect upon becoming a  
4 law.

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7 SENATE SUMMARY

8 Requires school buses that are purchased after December  
9 31, 2000, to be equipped with safety belts or other  
10 federally approved restraint systems and with seats  
11 having backs that are at least 28 inches in height,  
12 measured from the seating plane. Provides an exemption  
13 for school buses purchased before that date. Requires  
14 passengers to wear the safety belts or other restraint  
15 systems. Provides immunity to a school district, bus  
16 operator, and others for injuries to a passenger which  
17 are caused solely because the passenger was not wearing a  
18 safety belt or other restraint system. Provides immunity  
19 to such persons for a passenger's dangerous or unsafe use  
20 of a safety belt or other restraint system. Requires  
21 school districts to give first priority to elementary  
22 schools in using school buses equipped with such safety  
23 equipment.  
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