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An act relating to child restraint requirements; creating the Child Safety Booster Seat Act of 2001; amending s. 316.613, F.S.; revising requirements with respect to the use of child restraint devices; providing for a phase-in period; providing effective dates.

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

Section 1. Short title.--This act may be cited as the "Child Safety Booster Seat Act of 2001."

Section 2. Effective January 1, 2002, paragraph (a) of subsection (1) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.--

(1)(a) Every operator of a motor vehicle as defined herein, while transporting a child in a motor vehicle operated on the roadways, streets, or highways of this state, shall, if the child is 8 5 years of age or younger and is less than 4 feet 9 inches in height, provide for protection of the child by properly using a crash-tested, federally approved child restraint device that is appropriate for the height and weight of the child. A crash-tested, federally approved child restraint device is a vehicle manufacturer's integrated child seat, a separate child safety seat, or a child booster seat that displays the child weight and height specifications for the seat on the attached manufacturer's label as required by Federal Motor Vehicle Safety Standards FMVSS213. Such child restraint device must comply with standards of the United State Department of Transportation and should be secured in

1 the vehicle in accordance with instructions of the
2 manufacturer of the child restraint device. For children aged
3 through 3 years, such restraint device must be a separate
4 carrier or a vehicle manufacturer's integrated child seat. For
5 children aged 4 through 8 5 years who are less than 4 feet 9
6 inches in height, a separate carrier, an integrated child
7 seat, or a child booster seat must ~~seat belt may~~ be used. The
8 court shall dismiss the charge against a motor vehicle
9 operator for a first violation of this paragraph upon proof of
10 purchase of a federally approved child restraint device.

11 Section 3. Notwithstanding that the amendments
12 provided in this act to section 316.613(1)(a), Florida
13 Statutes, shall not take effect until January 1, 2002,
14 effective July 1, 2001, a driver of a motor vehicle who does
15 not violate the then-existing provisions of that paragraph,
16 but whose conduct would violate that paragraph, as it will be
17 amended effective January 1, 2002, may be issued a verbal
18 warning and given educational literature by a law enforcement
19 officer.

20 Section 4. Except as otherwise provided herein, this
21 act shall take effect July 1, 2001.
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