

By Senator Posey

24-1900-04

1                                   A bill to be entitled  
2           An act relating to child restraint  
3           requirements; amending s. 316.613, F.S. ;  
4           providing child-restraint requirements for  
5           children ages 4 through 7; providing a grace  
6           period; providing exceptions to such  
7           requirements; providing effective dates.

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

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11           Section 1. Effective January 1, 2006, paragraph (a) of  
12 subsection (1) of section 316.613, Florida Statutes, is  
13 amended to read:

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316.613 Child restraint requirements.--

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(1)(a) Every operator of a motor vehicle as defined  
16 herein, while transporting a child in a motor vehicle operated  
17 on the roadways, streets, or highways of this state, shall, if  
18 the child is 7 5 years of age or younger, provide for  
19 protection of the child by properly using a crash-tested,  
20 federally approved child restraint device that is appropriate  
21 for the height and weight of the child. Such devices may  
22 include a vehicle manufacturer's integrated child seat, a  
23 separate child safety seat, or a child booster seat that  
24 displays the child's weight and height specifications for the  
25 seat on the attached manufacturer's label as required by  
26 Federal Motor Vehicle Safety Standards FMVSS213. The device  
27 must comply with standards of the United State Department of  
28 Transportation and be secured in the vehicle in accordance  
29 with instructions of the manufacturer.For children aged  
30 through 3 years, such restraint device must be a separate  
31 carrier or a vehicle manufacturer's integrated child seat. For

1 children aged 4 through 7 5 years, a separate carrier, an  
2 integrated child seat, or a child booster seat ~~belt~~ may be  
3 used. The court shall dismiss the charge against a motor  
4 vehicle operator for a first violation of this paragraph upon  
5 proof of purchase of a federally approved child restraint  
6 device.

7 Section 2. Effective July 1, 2005, a driver of a motor  
8 vehicle who does not violate the then-existing provisions of  
9 section 316.613(1)(a), Florida Statutes, but whose conduct  
10 would violate that provision, as amended January 1, 2006, may  
11 be issued a verbal warning and given educational literature by  
12 a law enforcement officer.

13 Section 3. This act does not apply to a person who is  
14 transporting a child aged 4 through 7 if the person is:

15 (1) Visiting in this state;

16 (2) Not the parent or guardian of the child and is  
17 transporting the child in a vehicle that is not owned by the  
18 child's parent or guardian;

19 (3) Transporting the child gratuitously and in good  
20 faith in response to a declared emergency situation or an  
21 immediate emergency involving the child; or

22 (4) Is acting generally as a Good Samaritan.

23 Section 4. This act shall take effect July 1, 2004.

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26 SENATE SUMMARY

27 Creates additional child-restraint requirements for  
28 children aged 4 through 7. Provides a grace period and  
29 provides exceptions.  
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