

By Senator Posey

24-1269A-07

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, 2009, paragraph (a) of
12 subsection (1) of section 316.613, Florida Statutes, is
13 amended to read:

14 316.613 Child restraint requirements.--

15 (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, 2008, 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, 2009, 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) Transporting the child gratuitously and in good
17 faith in response to a declared emergency situation or an
18 immediate emergency involving the child; or

19 (3) Is acting generally as a Good Samaritan.

20 Section 4. This act shall take effect July 1, 2007.

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23 SENATE SUMMARY

24 Creates additional child-restraint requirements for
25 children aged 4 through 7. Provides a grace period and
26 provides exceptions.
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