

1 A bill to be entitled
 2 An act relating to child restraint requirements; amending
 3 s. 316.613, F.S.; revising requirements for children 5
 4 years of age or younger; providing requirements for
 5 children 6 and 7 years of age; providing a grace period;
 6 providing exceptions to such requirements; providing
 7 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 amended
 13 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 protection
 19 of the child by properly using a crash-tested, federally
 20 approved child restraint device that is appropriate for the
 21 height and weight of the child. Such devices may include a
 22 vehicle manufacturer's integrated child seat, a separate child
 23 safety seat, or a child booster seat that displays the child's
 24 weight and height specifications for the seat on the attached
 25 manufacturer's label as required by Federal Motor Vehicle Safety
 26 Standards FMVSS213. The device must comply with standards of the
 27 United States Department of Transportation and be secured in the
 28 vehicle in accordance with instructions of the manufacturer. For

CS/HB 443

2007

29 children aged through 3 years, such restraint device must be a
30 separate carrier or a vehicle manufacturer's integrated child
31 seat. For children aged 4 through 7 ~~5~~ years, a separate carrier,
32 an integrated child seat, or a child booster seat ~~belt~~ may be
33 used. The court shall dismiss the charge against a motor vehicle
34 operator for a first violation of this paragraph upon proof of
35 purchase of a federally approved child restraint device.

36 Section 2. Effective July 1, 2008, a driver of a motor
37 vehicle who does not violate the then-existing provisions of
38 section 316.613(1)(a), Florida Statutes, but whose conduct would
39 violate that provision as amended January 1, 2009, may be issued
40 a verbal warning and given educational literature by a law
41 enforcement officer.

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

44 (1) Visiting in this state;

45 (2) Transporting the child gratuitously and in good faith
46 in response to a declared emergency situation or an immediate
47 emergency involving the child; or

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

49 Section 4. Except as otherwise expressly provided in this
50 act, this act shall take effect July 1, 2007.