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CHAMBER ACTION

Senate

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House

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1 Senator Posey moved the following **amendment to amendment**
2 **(844108)** :

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4 **Senate Amendment (with title amendment)**

5 Delete lines 1032 through 1047
6 and insert:

7 Section 23. Subsection (3) of section 316.003, Florida
8 Statutes, is amended to read:

9 316.003 Definitions.--The following words and phrases, when
10 used in this chapter, shall have the meanings respectively
11 ascribed to them in this section, except where the context
12 otherwise requires:

13 (3) BUS.--Any motor vehicle designed for carrying more than
14 10 passengers and used for the transportation of persons and any
15 motor vehicle, other than a taxicab, designed and used for the
16 transportation of persons for compensation. For purposes of this
17 section, "for compensation" means for money, property, or



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18 anything of value whether paid, received, or realized, directly
19 or indirectly.

20 Section 24. Effective January 1, 2010, paragraph (a) of
21 subsection (1) and paragraphs (b) and (d) of subsection (2) of
22 section 316.613, Florida Statutes, are amended to read:

23 316.613 Child restraint requirements.--

24 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~
25 ~~herein~~, while transporting a child in a motor vehicle operated on
26 the roadways, streets, or highways of this state, shall, if the
27 child is 7 ~~5~~ years of age or younger, provide for protection of
28 the child by properly using a crash-tested, federally approved
29 child restraint device that is appropriate for the height and
30 weight of the child. Such devices may include a vehicle
31 manufacturer's integrated child seat, a separate child safety
32 seat, or a child booster seat that displays the child's weight
33 and height specifications for the seat on the attached
34 manufacturer's label as required by Federal Motor Vehicle Safety
35 Standards FMVSS213. The device must comply with standards of the
36 United States Department of Transportation and be secured in the
37 vehicle in accordance with instructions of the manufacturer. For
38 children aged through 3 years, such restraint device must be a
39 separate carrier or a vehicle manufacturer's integrated child
40 seat. For children aged 4 through 7 ~~5~~ years, a separate carrier,
41 an integrated child seat, or a child booster seat ~~belt~~ may be
42 used. The court shall dismiss the charge against a motor vehicle
43 operator for a first violation of this paragraph upon proof of
44 purchase of a federally approved child restraint device.

45 (2) As used in this section, the term "motor vehicle" means
46 a motor vehicle as defined in s. 316.003 that is operated on the



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47 | roadways, streets, and highways of the state. The term does not
48 | include:

49 | (b) A bus or a passenger vehicle designed to accommodate 10
50 | or more persons and used for the transportation of persons for
51 | compensation, other than a bus regularly used to transport
52 | children to or from school, as defined in s. 316.615(1)(b), or in
53 | conjunction with school activities.

54 | (d) A truck having a gross vehicle weight rating of more
55 | than 26,000 ~~of net weight of more than 5,000~~ pounds.

56 | Section 25. Effective July 1, 2009, a driver of a motor
57 | vehicle who does not violate the then-existing provisions of s.
58 | 316.613(1)(a), Florida Statutes, but whose conduct would violate
59 | that provision, as amended January 1, 2010, may be issued a
60 | verbal warning and given educational literature by a law
61 | enforcement officer.

62 | Section 26. Section 24 of this act does not apply to a
63 | person who is transporting a child aged 4 through 7 if the person
64 | is:

65 | (1) Visiting in this state;

66 | (2) Transporting the child gratuitously and in good faith
67 | in response to a declared emergency situation or an immediate
68 | emergency involving the child; or

69 | (3) Acting generally as a Good Samaritan.

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71 |
72 | ===== T I T L E A M E N D M E N T =====

73 | And the title is amended as follows:

74 |
75 | Delete lines 2867 through 2870
76 | and insert:



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77 | for commercial vehicles; amending s. 316.003, F.S.;
78 | defining "for compensation" for specified purposes;
79 | amending s. 316.613, F.S.; providing child-restraint
80 | requirements for children ages 4 through 7; redefining the
81 | term "motor vehicle" so as to exclude certain vehicles
82 | from such child restraint requirements; providing a grace
83 | period; providing exceptions to such requirements;
84 | amending s. 316.614, F.S.; revising the definition of
85 | "motor vehicle" for purposes of safety belt usage
86 | requirements; amending s. 316.656, F.S.; lowering the