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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. Effective January 1, 2010, paragraph (a) of
8 subsection (1) and paragraphs (b) and (d) of subsection (2) of
9 section 316.613, Florida Statutes, are amended to read:

10 316.613 Child restraint requirements.--

11 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~
12 ~~herein~~, while transporting a child in a motor vehicle operated on
13 the roadways, streets, or highways of this state, shall, if the
14 child is 7 ~~5~~ years of age or younger, provide for protection of
15 the child by properly using a crash-tested, federally approved
16 child restraint device that is appropriate for the height and
17 weight of the child. Such devices may include a vehicle



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18 manufacturer's integrated child seat, a separate child safety
19 seat, or a child booster seat that displays the child's weight
20 and height specifications for the seat on the attached
21 manufacturer's label as required by Federal Motor Vehicle Safety
22 Standards FMVSS213. The device must comply with standards of the
23 United States Department of Transportation and be secured in the
24 vehicle in accordance with instructions of the manufacturer. For
25 children aged through 3 years, such restraint device must be a
26 separate carrier or a vehicle manufacturer's integrated child
27 seat. For children aged 4 through 7 5 years, a separate carrier,
28 an integrated child seat, or a child booster seat ~~belt~~ may be
29 used. The court shall dismiss the charge against a motor vehicle
30 operator for a first violation of this paragraph upon proof of
31 purchase of a federally approved child restraint device.

32 (2) As used in this section, the term "motor vehicle" means
33 a motor vehicle as defined in s. 316.003 that is operated on the
34 roadways, streets, and highways of the state. The term does not
35 include:

36 (b) A bus or a passenger vehicle designed to accommodate 10
37 or more persons and used for the transportation of persons for
38 compensation, other than a bus regularly used to transport
39 children to or from school, as defined in s. 316.615(1)(b), or in
40 conjunction with school activities.

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

43 Section 24. Effective July 1, 2009, a driver of a motor
44 vehicle who does not violate the then-existing provisions of s.
45 316.613(1)(a), Florida Statutes, but whose conduct would violate
46 that provision, as amended January 1, 2010, may be issued a



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47 | verbal warning and given educational literature by a law
48 | enforcement officer.

49 | Section 25. Section 23 of this act does not apply to a
50 | person who is transporting a child aged 4 through 7 if the person
51 | is:

52 | (1) Visiting in this state;

53 | (2) Transporting the child gratuitously and in good faith
54 | in response to a declared emergency situation or an immediate
55 | emergency involving the child; or

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

57 |

58 | ===== T I T L E A M E N D M E N T =====

59 | And the title is amended as follows:

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61 | Delete lines 2867 through 2870,
62 | and insert:

63 | for commercial vehicles; amending s. 316.613, F.S.;

64 | providing child-restraint requirements for children ages 4

65 | through 7; redefining the term "motor vehicle" so as to

66 | exclude certain vehicles from such child restraint

67 | requirements; providing a grace period; providing

68 | exceptions to such requirements; amending s. 316.614,

69 | F.S.; revising the definition of "motor vehicle" for

70 | purposes of safety belt usage requirements; amending s.

71 | 316.656, F.S.; lowering the