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CHAMBER ACTION

Senate

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House

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1 Senator Posey moved the following **amendment**:

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

4 Delete lines 1331-1346

5 and insert:

6 Section 23. Effective January 1, 2010, paragraph (a) of  
7 subsection (1) and paragraphs (b) and (d) of subsection (2) of  
8 section 316.613, Florida Statutes, are amended to read:

9 316.613 Child restraint requirements.--

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

Bill No. CS for CS for CS for SB 1978



091750

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

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

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

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

42 Section 24. Effective July 1, 2009, a driver of a motor  
43 vehicle who does not violate the then-existing provisions of s.  
44 316.613(1)(a), Florida Statutes, but whose conduct would violate  
45 that provision, as amended January 1, 2010, may be issued a  
46 verbal warning and given educational literature by a law  
47 enforcement officer.



091750

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

51 (1) Visiting in this state;

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

55 (3) Acting generally as a Good Samaritan.

56  
57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete line 120

60 and insert:

61 for commercial vehicles; amending s. 316.613, F.S.;

62 providing child-restraint requirements for children ages 4

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

64 exclude certain vehicles from such child restraint

65 requirements; providing a grace period; providing

66 exceptions to such requirements; amending s. 316.614,