

1                                   A bill to be entitled  
 2           An act relating to child-restraint requirements; amending  
 3           s. 316.613, F.S.; providing child-restraint requirements  
 4           for children ages 4 through 7; redefining the term "motor  
 5           vehicle" so as to exclude certain vehicles from such  
 6           requirements; providing a grace period; providing  
 7           exceptions to such requirements; providing effective  
 8           dates.

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 10   Be It Enacted by the Legislature of the State of Florida:

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 12           Section 1.   Effective January 1, 2010, paragraph (a) of  
 13           subsection (1) and paragraph (b) of subsection (2) of section  
 14           316.613, Florida Statutes, are amended to read:

15           316.613   Child restraint requirements.--

16           (1) (a)   ~~Each Every~~ operator of a motor vehicle ~~as defined~~  
 17           ~~herein~~, while transporting a child in a motor vehicle operated  
 18           on the roadways, streets, or highways of this state, shall, if  
 19           the child is 7 ~~5~~ years of age or younger, provide for protection  
 20           of the child by properly using a crash-tested, federally  
 21           approved child restraint device that is appropriate for the  
 22           height and weight of the child. Such devices may include a  
 23           vehicle manufacturer's integrated child seat, a separate child  
 24           safety seat, or a child booster seat that displays the child's  
 25           weight and height specifications for the seat on the attached  
 26           manufacturer's label as required by Federal Motor Vehicle Safety  
 27           Standards FMVSS213. The device must comply with standards of the  
 28           United States Department of Transportation and be secured in the

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

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

41 (b) A bus or a passenger vehicle designed to accommodate  
 42 10 or more persons and used for the transportation of persons  
 43 for compensation, other than a bus regularly used to transport  
 44 children to or from school, as defined in s. 316.615(1)(b), or  
 45 in conjunction with school activities.

46 Section 2. Effective July 1, 2009, a driver of a motor  
 47 vehicle who does not violate the then-existing provisions of s.  
 48 316.613(1)(a), Florida Statutes, but whose conduct would violate  
 49 that provision, as amended January 1, 2010, may be issued a  
 50 verbal warning and given educational literature by a law  
 51 enforcement officer.

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

- 54 (1) Visiting in this state;
- 55 (2) Transporting the child gratuitously and in good faith  
 56 in response to a declared emergency situation or an immediate

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57 emergency involving the child;

58 (3) Transporting a child with a medically necessary  
59 exception with appropriate documentation from a health  
60 professional; or

61 (4) Acting generally as a Good Samaritan.

62 Section 4. Except as otherwise expressly provided in this  
63 act, this act shall take effect July 1, 2008.