

By the Committee on Criminal Justice; and Senators Posey,
Oelrich, Ring and Deutch

591-08240-08

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1 A bill to be entitled
2 An act relating to child-restraint requirements; amending
3 s. 316.003, F.S.; defining "for compensation" for
4 specified purposes; amending s. 316.613, F.S.; providing
5 child-restraint requirements for children ages 4 through
6 7; redefining the term "motor vehicle" so as to exclude
7 certain vehicles from such requirements; providing a grace
8 period; providing exceptions to such requirements;
9 providing effective dates.

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

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13 Section 1. Subsection (3) of section 316.003, Florida
14 Statutes, is amended to read:

15 316.003 Definitions.--The following words and phrases, when
16 used in this chapter, shall have the meanings respectively
17 ascribed to them in this section, except where the context
18 otherwise requires:

19 (3) BUS.--Any motor vehicle designed for carrying more than
20 10 passengers and used for the transportation of persons and any
21 motor vehicle, other than a taxicab, designed and used for the
22 transportation of persons for compensation. For purposes of this
23 section, "for compensation" means for money, property, or
24 anything of value whether paid, received, or realized, directly
25 or indirectly.

26 Section 2. Effective January 1, 2010, paragraph (a) of
27 subsection (1) and paragraph (b) of subsection (2) of section
28 316.613, Florida Statutes, are amended to read:

29 316.613 Child restraint requirements.--

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

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

55 (b) A bus or a passenger vehicle designed to accommodate 10
56 or more persons and used for the transportation of persons for
57 compensation, other than a bus regularly used to transport
58 children to or from school, as defined in s. 316.615(1)(b), or in

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59 conjunction with school activities.

60 Section 3. Effective July 1, 2009, a driver of a motor
61 vehicle who does not violate the then-existing provisions of s.
62 316.613(1)(a), Florida Statutes, but whose conduct would violate
63 that provision, as amended January 1, 2010, may be issued a
64 verbal warning and given educational literature by a law
65 enforcement officer.

66 Section 4. Sections 2 and 3 of this act do not apply to a
67 person who is transporting a child aged 4 through 7 if the person
68 is:

69 (1) Visiting in this state;

70 (2) Transporting the child gratuitously and in good faith
71 in response to a declared emergency situation or an immediate
72 emergency involving the child;

73 (3) Acting generally as a Good Samaritan; or

74 (4) Transporting a child who is taller than 57 inches in
75 height or heavier than 100 pounds in weight.

76 Section 5. Except as otherwise expressly provided in this
77 act, this act shall take effect July 1, 2008.