

By the Committees on Criminal Justice; and Transportation; and
Senators Altman, Gelber, Ring, Rich, Deutch, and Sobel

591-04460-09

20091404c2

1 A bill to be entitled

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

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Effective January 1, 2011, paragraph (a) of
13 subsection (1) and paragraph (b) of subsection (2) of section
14 316.613, Florida Statutes, are amended, present paragraph (b) of
15 subsection (1) of that section is redesignated as paragraph (d),
16 and new paragraphs (b) and (c) are added to that subsection, to
17 read:

18 316.613 Child restraint requirements.—

19 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~
20 ~~herein~~, while transporting a child in a motor vehicle operated
21 on the roadways, streets, or highways of this state, shall, if
22 the child is 7 ~~5~~ years of age or younger, provide for protection
23 of the child by properly using a crash-tested, federally
24 approved child restraint device that is appropriate for the
25 height and weight of the child unless the child is being
26 transported in the bed of a pick-up truck or the child is
27 participating in an official parade. The device may include a
28 vehicle manufacturer's integrated child seat, a separate child
29 safety seat, or a child booster seat that displays the child's

591-04460-09

20091404c2

30 weight and height specifications for the seat on the attached
31 manufacturer's label as required by Federal Motor Vehicle Safety
32 Standard No. 213. The device must comply with the standards of
33 the United States Department of Transportation and be secured in
34 the motor vehicle in accordance with the manufacturer's
35 instructions. The court may dismiss the charge against a motor
36 vehicle operator for a first violation of this subsection upon
37 proof that a federally approved child restraint device has been
38 purchased or otherwise obtained.

39 (b) For children aged through 3 years, such restraint
40 device must be a separate carrier or a vehicle manufacturer's
41 integrated child seat.

42 (c) For children aged 4 through 7 5 years, a separate
43 carrier, an integrated child seat, or a child booster seat belt
44 may be used. However, the requirement to use a child booster
45 seat does not apply when a separate carrier, integrated child
46 seat, or seat belt as required in s. 316.614(4) (a) is used and
47 the person is:

48 1. Traveling on a highway having a posted maximum speed
49 limit of 45 miles per hour or less;

50 2. Visiting in this state and driving with a valid out-of-
51 state driver's license;

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

55 4. Transporting a child whose medical condition
56 necessitates an exception as evidenced by appropriate
57 documentation from a health professional.

58 (d) ~~(b)~~ The Division of Motor Vehicles shall provide notice

591-04460-09

20091404c2

59 of the requirement for child restraint devices, which notice
60 shall accompany the delivery of each motor vehicle license tag.

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

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

70 Section 2. Effective July 1, 2010, a driver of a motor
71 vehicle who does not violate the then-existing provisions of s.
72 316.613(1)(c), Florida Statutes, but whose conduct would violate
73 that provision, as amended January 1, 2011, may be issued a
74 verbal warning and given educational literature by a law
75 enforcement officer.

76 Section 3. Except as otherwise expressly provided in this
77 act, this act shall take effect July 1, 2009.