

20091404e1

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.

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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, 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 in compliance with s.
27 316.2015 or the child is participating in an official parade.
28 The device may include a vehicle manufacturer's integrated child
29 seat, a separate child safety seat, or a child booster seat that

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30 displays the child's weight and height specifications for the
31 seat on the attached manufacturer's label as required by Federal
32 Motor Vehicle Safety Standard No. 213. The device must comply
33 with the standards of the United States Department of
34 Transportation and be secured in the motor vehicle in accordance
35 with the manufacturer's instructions. The court may dismiss the
36 charge against a motor vehicle operator for a first violation of
37 this subsection upon proof that a federally approved child
38 restraint device has been 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. Transporting the child gratuitously and in good faith in
51 response to a declared emergency situation or an immediate
52 emergency involving the child; or

53 3. Transporting a child whose medical condition
54 necessitates an exception as evidenced by appropriate
55 documentation from a health professional.

56 (d) ~~(b)~~ The Division of Motor Vehicles shall provide notice
57 of the requirement for child restraint devices, which notice
58 shall accompany the delivery of each motor vehicle license tag.

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

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

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

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