

1 A bill to be entitled
 2 An act relating to child safety devices; amending s.
 3 316.613, F.S.; providing child-restraint requirements for
 4 children 4 through 7 years of age; redefining the term
 5 "motor vehicle" to exclude certain vehicles from such
 6 requirements; providing exceptions to such requirements;
 7 providing a grace period; amending s. 327.50, F.S.;
 8 revising equipment requirements for vessel safety;
 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. Effective January 1, 2011, paragraph (a) of
 14 subsection (1) and paragraph (b) of subsection (2) of section
 15 316.613, Florida Statutes, are amended, and subsection (6) is
 16 added to that section, to read:

17 316.613 Child restraint requirements.--

18 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~
 19 ~~herein~~, while transporting a child in a motor vehicle operated
 20 on the roadways, streets, or highways of this state, shall, if
 21 the child has not attained 8 ~~is 5~~ years of age ~~or younger~~,
 22 provide for protection of the child by properly using a crash-
 23 tested, federally approved child restraint device that is
 24 appropriate for the height and weight of the child. Such devices
 25 may include a vehicle manufacturer's integrated child seat, a
 26 separate child safety seat, or a child booster seat that
 27 displays the child's weight and height specifications for the
 28 seat on the attached manufacturer's label as required by Federal

29 Motor Vehicle Safety Standards FMVSS 213. The device must comply
 30 with standards of the United States Department of Transportation
 31 and be secured in the vehicle in accordance with instructions of
 32 the manufacturer. For children who have not attained 4 ~~aged~~
 33 ~~through 3~~ years of age, such restraint device must be a separate
 34 carrier or a vehicle manufacturer's integrated child seat. For
 35 children ~~aged 4~~ through 7 ~~5~~ years of age, a separate carrier, an
 36 integrated child seat, or a child booster seat ~~belt~~ may be used.
 37 The court may dismiss the charge against a motor vehicle
 38 operator for a first violation of this paragraph upon proof of
 39 purchase of a federally approved child restraint device.

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

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

49 (6) This section does not apply to a person who is
 50 transporting a child 4 through 7 years of age if the person is:

51 (a) Visiting in this state;

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

55 (c) Transporting a child with a medically necessary
 56 exception with appropriate documentation from a health

57 | professional; or

58 | (d) Acting generally as a Good Samaritan.

59 | Section 2. Effective July 1, 2010, a driver of a motor
 60 | vehicle who does not violate the then-existing provisions of s.
 61 | 316.613(1) (a), Florida Statutes, but whose conduct would violate
 62 | that provision, as amended January 1, 2011, may be issued a
 63 | verbal warning and given educational literature by a law
 64 | enforcement officer.

65 | Section 3. Section 327.50, Florida Statutes, is amended to
 66 | read:

67 | 327.50 Vessel safety regulations; equipment and lighting
 68 | requirements.--

69 | (1) ~~(a)~~ The owner and operator of every vessel on the
 70 | waters of this state shall carry, store, maintain, and use
 71 | safety equipment in accordance with current United States Coast
 72 | Guard safety equipment requirements as specified in the Code of
 73 | Federal Regulations, unless expressly exempted by the
 74 | department.

75 | ~~(b) No person shall operate a vessel less than 26 feet in~~
 76 | ~~length on the waters of this state unless every person under 6~~
 77 | ~~years of age on board the vessel is wearing a type I, type II,~~
 78 | ~~or type III Coast Guard approved personal flotation device while~~
 79 | ~~such vessel is underway. For the purpose of this section,~~
 80 | ~~"underway" shall mean at all times except when a vessel is~~
 81 | ~~anchored, moored, made fast to the shore, or aground.~~

82 | (2) A ~~No~~ person may not shall operate a vessel on the
 83 | waters of this state unless the ~~said~~ vessel is equipped with
 84 | properly serviceable lights and shapes required by the

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85 navigation rules.

86 (3) The use of sirens or flashing, occulting, or revolving
87 lights on any vessel is prohibited, except as expressly provided
88 in the navigation rules or annexes thereto.

89 Section 4. Except as otherwise expressly provided in this
90 act, this act shall take effect October 1, 2009.