

1 A bill to be entitled
 2 An act relating to child safety devices in motor vehicles;
 3 amending s. 316.613, F.S.; revising child-restraint
 4 requirements; providing child-restraint requirements for
 5 children 4 through 7 years of age who are less than a
 6 certain height; redefining the term "motor vehicle" to
 7 exclude certain vehicles from such requirements; providing
 8 exceptions to such requirements; providing a grace period;
 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 and is not at
 22 least 4 feet 9 inches in height ~~or younger~~, provide for
 23 protection of the child by properly using a crash-tested,
 24 federally approved child restraint device that is appropriate
 25 for the height and weight of the child. Such devices may include
 26 a vehicle manufacturer's integrated child seat, a separate child
 27 safety seat, or a child booster seat that displays the child's
 28 weight and height specifications for the seat on the attached

29 manufacturer's label as required by Federal Motor Vehicle Safety
 30 Standards FMVSS 213. The device must comply with the standards
 31 of the United States Department of Transportation and be secured
 32 in the vehicle in accordance with instructions of the
 33 manufacturer. For children who have not attained 4 ~~aged through~~
 34 ~~3~~ years of age, such restraint device must be a separate carrier
 35 or a vehicle manufacturer's integrated child seat. For children
 36 ~~aged 4~~ through 7 ~~5~~ years of age, a separate carrier, an
 37 integrated child seat, or a child booster seat ~~belt~~ may be used.
 38 A child restraint device is not required under this paragraph
 39 for a child 4 through 7 years of age whose height is at least 4
 40 feet 9 inches. The court may dismiss the charge against a motor
 41 vehicle operator for a first violation of this paragraph upon
 42 proof of purchase of a federally approved child restraint
 43 device.

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

48 (b) A bus or a passenger vehicle designed to accommodate
 49 10 or more persons and used for the transportation of persons
 50 for compensation, other than a bus regularly used to transport
 51 children to or from school, as defined in s. 316.615(1)(b), or
 52 in conjunction with school activities.

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

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

61 (c) Acting generally as a Good Samaritan.

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

68 Section 3. Except as otherwise expressly provided in this
69 act, this act shall take effect upon becoming a law.