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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/02/2010	.	
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The Committee on Transportation (Altman) recommended the following:

**Senate Amendment**

Delete everything after the enacting clause and insert:

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

316.613 Child restraint requirements.-

(1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~



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13 herein, while transporting a child in a motor vehicle operated  
14 on the roadways, streets, or highways of this state, shall, if  
15 the child is 7 5 years of age or younger and is less than 4 feet  
16 9 inches in height, provide for protection of the child by  
17 properly using a crash-tested, federally approved child  
18 restraint device that is appropriate for the height and weight  
19 of the child. The device may include a vehicle manufacturer's  
20 integrated child seat, a separate child safety seat, or a child  
21 booster seat that displays the child's weight and height  
22 specifications for the seat on the attached manufacturer's label  
23 as required by Federal Motor Vehicle Safety Standard No. 213.  
24 The device must comply with the standards of the United States  
25 Department of Transportation and be secured in the motor vehicle  
26 in accordance with the manufacturer's instructions. The court  
27 may dismiss the charge against a motor vehicle operator for a  
28 first violation of this subsection upon proof that a federally  
29 approved child restraint device has been purchased or otherwise  
30 obtained.

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

34 (c) For children aged 4 through 7 5 years, a separate  
35 carrier, an integrated child seat, or a child booster seat belt  
36 may be used. However, the requirement to use a child booster  
37 seat does not apply when a separate carrier, integrated child  
38 seat, or seat belt as required in s. 316.614(4) (a) is used and  
39 the person is:

40 1. Transporting the child gratuitously and in good faith in  
41 response to a declared emergency situation or an immediate



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42 emergency involving the child; or

43 2. Transporting a child whose medical condition  
44 necessitates an exception as evidenced by appropriate  
45 documentation from a health professional.

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

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

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

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

64 Section 3. Except as otherwise expressly provided in this  
65 act, this act shall take effect July 1, 2010.  
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