

By the Committees on Criminal Justice; and Transportation; and
Senator Altman

591-02748-10

2010316c2

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 certain children ages 4 through 7;
5 providing certain exceptions; redefining the term
6 "motor vehicle" to exclude certain vehicles from such
7 requirements; providing a grace period; providing
8 effective dates.

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

11
12 Section 1. Effective January 1, 2011, subsection (1) and
13 paragraph (b) of subsection (2) of section 316.613, Florida
14 Statutes, are amended to read:

15 316.613 Child restraint requirements.—

16 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~
17 ~~herein~~, while transporting a child in a motor vehicle operated
18 on the roadways, streets, or highways of this state, shall, if
19 the child is 7 5 years of age or younger and is less than 4 feet
20 9 inches in height, provide for protection of the child by
21 properly using a crash-tested, federally approved child
22 restraint device that is appropriate for the height and weight
23 of the child. The device may include a vehicle manufacturer's
24 integrated child seat, a separate child safety seat, or a child
25 booster seat that displays the child's weight and height
26 specifications for the seat on the attached manufacturer's label
27 as required by Federal Motor Vehicle Safety Standard No. 213.
28 The device must comply with the standards of the United States
29 Department of Transportation and be secured in the motor vehicle

591-02748-10

2010316c2

30 in accordance with the manufacturer's instructions. The court
31 may dismiss the charge against a motor vehicle operator for a
32 first violation of this subsection upon proof that a federally
33 approved child restraint device has been purchased or otherwise
34 obtained.

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

38 (c) For children aged 4 through 7 ½ years who are less than
39 4 feet 9 inches in height, a separate carrier, an integrated
40 child seat, or a child booster seat belt may be used. However,
41 the requirement to use a child booster seat does not apply when
42 a separate carrier, integrated child seat, or seat belt as
43 required in s. 316.614(4) (a) is used and the person is:

44 1. Transporting the child gratuitously and in good faith in
45 response to a declared emergency situation or an immediate
46 emergency involving the child; or

47 2. Transporting a child whose medical condition
48 necessitates an exception as evidenced by appropriate
49 documentation from a health professional.

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

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

57 (b) A bus or a passenger vehicle designed to accommodate 10
58 or more persons and used for the transportation of persons for

591-02748-10

2010316c2

59 compensation, other than a bus regularly used to transport
60 children to or from school, as defined in s. 316.615(1)(b), or
61 in conjunction with school activities.

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)(c), Florida Statutes, but whose conduct would violate
65 that provision, as amended January 1, 2011, shall 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 July 1, 2010.