



764478

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2011	.	
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The Committee on Governmental Oversight and Accountability  
(Benacquisto) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 573 and 574  
insert:

Section 14. Effective January 1, 2012, subsection (1) and  
paragraph (b) of subsection (2) of section 316.613, Florida  
Statutes, are amended to read:

316.613 Child restraint requirements.-

(1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~  
~~herein~~, while transporting a child in a motor vehicle operated  
on the roadways, streets, or highways of this state, shall, if  
the child is 7 ~~5~~ years of age or younger and is less than 4 feet



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

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

31 (c) For children aged 4 through 7 ½ years who are less than  
32 4 feet 9 inches in height, a separate carrier, an integrated  
33 child seat, or a child booster seat belt may be used. However,  
34 the requirement to use a child booster seat does not apply when  
35 a separate carrier, integrated child seat, or seat belt as  
36 required in s. 316.614(4) (a) is used and the person is:

37 1. Transporting the child gratuitously and in good faith in  
38 response to a declared emergency situation or an immediate  
39 emergency involving the child; or

40 2. Transporting a child whose medical condition  
41 necessitates an exception as evidenced by appropriate



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42 documentation from a health professional.

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

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

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

55 Section 15. Effective July 1, 2011, a driver of a motor  
56 vehicle who does not violate the then-existing provisions of s.  
57 316.613(1)(c), Florida Statutes, but whose conduct would violate  
58 that provision, as amended January 1, 2012, shall be issued a  
59 verbal warning and given educational literature by a law  
60 enforcement officer.

61  
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete line 36

65 and insert:

66 vehicles; amending s. 316.613, F.S.; providing child-  
67 restraint requirements for children ages 4 through 7  
68 years of age who are less than a specified height;  
69 providing certain exceptions; redefining the term  
70 "motor vehicle" to exclude certain vehicles from such



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requirements; providing a grace period; amending s.  
316.646, F.S.; authorizing the