

By Senator Altman

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1 A bill to be entitled
2 An act relating to child safety devices in motor
3 vehicles; amending s. 316.613, F.S.; providing child-
4 restraint requirements for children ages 4 through 7
5 years of age who are less than a specified height;
6 providing certain exceptions; redefining the term
7 "motor vehicle" to exclude certain vehicles from such
8 requirements; providing a grace period; providing
9 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, 2012, subsection (1) and
14 paragraph (b) of subsection (2) of section 316.613, Florida
15 Statutes, are amended to read:

16 316.613 Child restraint requirements.—

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

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

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

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

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

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

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

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

58 (b) A bus or a passenger vehicle designed to accommodate 10

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59 or more persons and used for the transportation of persons for
60 compensation, other than a bus regularly used to transport
61 children to or from school, as defined in s. 316.615(1)(b), or
62 in conjunction with school activities.

63 Section 2. Effective July 1, 2011, a driver of a motor
64 vehicle who does not violate the then-existing provisions of s.
65 316.613(1)(c), Florida Statutes, but whose conduct would violate
66 that provision, as amended January 1, 2012, shall be issued a
67 verbal warning and given educational literature by a law
68 enforcement officer.

69 Section 3. Except as otherwise expressly provided in this
70 act, this act shall take effect July 1, 2011.