

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 age 7 years or
 5 younger who are less than a specified height;
 6 providing exceptions; redefining the term "motor
 7 vehicle" to exclude certain vehicles from such
 8 requirements; providing a grace period; requiring that
 9 a law enforcement officer issue a warning and give
 10 educational literature to an operator of a motor
 11 vehicle during the grace period, under certain
 12 circumstances; providing effective dates.

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 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Effective January 1, 2013, subsection (1) and
 17 paragraph (b) of subsection (2) of section 316.613, Florida
 18 Statutes, are amended to read:

19 316.613 Child restraint requirements.—

20 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~
 21 ~~herein~~, while transporting a child in a motor vehicle operated
 22 on the roadways, streets, or highways of this state, shall, if
 23 the child is 7 ~~5~~ years of age or younger and less than 4 feet 9
 24 inches in height, provide for protection of the child by
 25 properly using a crash-tested, federally approved child
 26 restraint device that is appropriate for the height and weight
 27 of the child. The device may include a separate carrier, a
 28 vehicle manufacturer's integrated child seat, or a child booster

29 seat that displays the child's height and weight specifications
 30 for the seat on the attached manufacturer's label as required by
 31 Federal Motor Vehicle Safety Standard No. 213. The device must
 32 comply with the standards of the United States Department of
 33 Transportation and be secured in the motor vehicle in accordance
 34 with the manufacturer's instructions. The court may dismiss the
 35 charge against a motor vehicle operator for a first violation of
 36 this subsection upon proof that a federally approved child
 37 restraint device has been purchased or otherwise obtained.

38 1. For children aged through 3 years, such restraint
 39 device must be a separate carrier or a vehicle manufacturer's
 40 integrated child seat.

41 2. For children aged 4 through ~~7~~ 5 years who are less than
 42 4 feet 9 inches in height, a separate carrier, an integrated
 43 child seat, or a child booster seat ~~belt~~ may be used. However,
 44 the requirement to use a child restraint device does not apply
 45 when a safety belt as required in s. 316.614(4) (a) is used and
 46 the person is:

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

50 b. Transporting a child whose medical condition
 51 necessitates an exception as indicated by appropriate
 52 documentation from a health professional.

53 (b) The department shall provide notice of the requirement
 54 for child restraint devices, which notice shall accompany the
 55 delivery of each motor vehicle license tag.

56 (2) As used in this section, the term "motor vehicle"

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57 | means a motor vehicle as defined in s. 316.003 that is operated
58 | on the roadways, streets, and highways of the state. The term
59 | does not include:

60 | (b) A bus or a passenger vehicle designed to accommodate
61 | 10 or more persons and used for the transportation of persons
62 | for compensation, other than a bus regularly used to transport
63 | children to or from school, as defined in s. 316.615(1)(b), or
64 | in conjunction with school activities.

65 | Section 2. Effective July 1, 2012, an operator of a motor
66 | vehicle who does not violate the then-existing provisions of s.
67 | 316.613(1)(a), Florida Statutes, but whose conduct would violate
68 | that paragraph as amended January 1, 2013, shall be issued a
69 | verbal warning and given educational literature by a law
70 | enforcement officer.

71 | Section 3. Except as otherwise expressly provided in this
72 | act, this act shall take effect July 1, 2012.