

By Senator Rodriguez

40-00958B-26

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A bill to be entitled

An act relating to child restraint requirements; amending s. 316.2085, F.S.; prohibiting a person operating a motorcycle or moped from carrying a child under a certain age, or allowing a child under a certain age to ride on the motorcycle or moped, unless certain requirements are met; providing applicability; providing penalties; reenacting and amending s. 316.613, F.S.; revising the ages through which children must be restrained in a certain manner while being transported in a motor vehicle; requiring that certain restraint devices be used for children of specified ages; providing exceptions; providing penalties; providing an effective date.

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

Section 1. Present subsection (7) of section 316.2085, Florida Statutes, is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

316.2085 Riding on motorcycles or mopeds.—

(7) A person operating a motorcycle or moped may not carry a child under 8 years of age, or allow a child under 8 years of age to ride on the motorcycle or moped, unless the child is properly seated in a sidecar attached to the motorcycle or moped and restrained in accordance with applicable passenger safety laws and regulations. This subsection does not apply to a person operating a motorcycle while participating in a parade.

Section 2. Subsection (1) of section 316.613, Florida

40-00958B-26

20261384__

Statutes, is amended, and subsection (5) of that section is reenacted, to read:

316.613 Child restraint requirements.—

(1)(a) Every operator of a motor vehicle as defined in this section, while transporting a child in a motor vehicle operated on the roadways, streets, or highways of this state, shall, if the child is 8 5 years of age or younger, provide for protection of the child by properly using a crash-tested, federally approved child restraint device.

1. For children aged through 2 3 years, such restraint device must be rear-facing and use a 5-point harness ~~a separate carrier or a vehicle manufacturer's integrated child seat.~~

2. For children aged 3 4 through 4 5 years, such restraint device may be rear-facing or forward-facing and must use a 5-point harness ~~a separate carrier, an integrated child seat, or a child booster seat may be used.~~

3. For children aged 5 through 8 years, such restraint device must be a child booster seat that incorporates the use of the motor vehicle's safety belt as defined in s. 316.614(3)(b) or must be forward-facing and use a 5-point harness. This subparagraph does not apply to a child over 4 feet 9 inches in height.

(b) ~~However,~~ The requirement to use a child restraint device under subparagraph (a)2. or subparagraph (a)3. ~~this subparagraph~~ does not apply when a safety belt is used as required in s. 316.614(4)(a) and the child:

1.a. ~~Is~~ Is being transported gratuitously by an operator who is not a member of the child's immediate family;

2.b. ~~Is~~ Is being transported in a medical emergency situation

40-00958B-26

20261384__

59 involving the child; or

60 3.e. Has a medical condition that necessitates an exception
61 as evidenced by appropriate documentation from a health care
62 professional.

63 (c) ~~(b)~~ The department shall provide notice of the
64 requirement for child restraint devices, which notice shall
65 accompany the delivery of each motor vehicle license tag.

66 (5) Any person who violates this section commits a moving
67 violation, punishable as provided in chapter 318 and shall have
68 3 points assessed against his or her driver license as set forth
69 in s. 322.27. In lieu of the penalty specified in s. 318.18 and
70 the assessment of points, a person who violates this section may
71 elect, with the court's approval, to participate in a child
72 restraint safety program approved by the chief judge of the
73 circuit in which the violation occurs, and, upon completing such
74 program, the penalty specified in chapter 318 and associated
75 costs may be waived at the court's discretion and the assessment
76 of points shall be waived. The child restraint safety program
77 must use a course approved by the Department of Highway Safety
78 and Motor Vehicles, and the fee for the course must bear a
79 reasonable relationship to the cost of providing the course.

80 Section 3. This act shall take effect July 1, 2026.