

HB 3

2013

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

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Effective January 1, 2014, subsection (1),
 17 paragraph (b) of subsection (2), and subsection (5) of section
 18 316.613, Florida Statutes, are amended to read:

19 316.613 Child restraint requirements.—

20 (1) (a) The ~~Every~~ operator of a motor vehicle ~~as defined in~~
 21 ~~this section, while~~ transporting a child who is younger than 8
 22 years of age and less than 4 feet 9 inches in height ~~in a motor~~
 23 ~~vehicle operated on the roadways, streets, or highways of this~~
 24 ~~state, shall, if the child is 5 years of age or younger,~~ provide
 25 for protection of the child by properly using a crash-tested,
 26 federally approved child restraint device that is appropriate
 27 for the height and weight of the child. The device may include a
 28 separate carrier, a vehicle manufacturer's integrated child

29 seat, or a child booster seat that displays the child's height
 30 and weight specifications for the seat on the attached
 31 manufacturer's label as required by Federal Motor Vehicle Safety
 32 Standard No. 213. The device must comply with the standards of
 33 the United States Department of Transportation and be secured in
 34 the motor vehicle in accordance with the manufacturer's
 35 instructions.

36 1. For a child younger than 4 children aged through 3
 37 years of age, such restraint device must be a separate carrier
 38 or a vehicle manufacturer's integrated child seat.

39 2. For a child at least 4 years of age who is younger than
 40 8 years of age and less than 4 feet 9 inches in height, such
 41 restraint device must be children aged 4 through 5 years, a
 42 separate carrier, an integrated child seat, or a child booster
 43 seat belt may be used.

44 (b) The requirement to use a child restraint device
 45 pursuant to this subsection does not apply when a safety belt as
 46 required in s. 316.614(4)(a) is used and the motor vehicle
 47 operator is:

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

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

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

HB 3

2013

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

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

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

81 (b) The court may dismiss the charge against a motor
82 vehicle operator for a first violation of this section upon
83 proof that a federally approved child restraint device has been
84 purchased or otherwise obtained.

HB 3

2013

85 Section 2. Effective July 1, 2013, the operator of a motor
86 vehicle who does not violate the then-existing provisions of s.
87 316.613(1), Florida Statutes, but whose conduct would violate
88 that subsection as amended January 1, 2014, shall be issued a
89 verbal warning and given educational literature by a law
90 enforcement officer.

91 Section 3. Except as otherwise expressly provided in this
92 act, this act shall take effect upon becoming a law.