



442072

CHAMBER ACTION

Senate

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House

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1 Senator Posey moved the following **amendment**:

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3 **Senate Amendment (with title amendment)**

4 Delete lines 1331 through 1346

5 and insert:

6 Section 23. Subsection (3) of section 316.003, Florida  
7 Statutes, is amended to read:

8 316.003 Definitions.--The following words and phrases, when  
9 used in this chapter, shall have the meanings respectively  
10 ascribed to them in this section, except where the context  
11 otherwise requires:

12 (3) BUS.--Any motor vehicle designed for carrying more than  
13 10 passengers and used for the transportation of persons and any  
14 motor vehicle, other than a taxicab, designed and used for the  
15 transportation of persons for compensation. For purposes of this  
16 section, "for compensation" means for money, property, or



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17 anything of value whether paid, received, or realized, directly  
18 or indirectly.

19 Section 24. Effective January 1, 2010, paragraph (a) of  
20 subsection (1) and paragraphs (b) and (d) of subsection (2) of  
21 section 316.613, Florida Statutes, are amended to read:

22 316.613 Child restraint requirements.--

23 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~  
24 ~~herein~~, while transporting a child in a motor vehicle operated on  
25 the roadways, streets, or highways of this state, shall, if the  
26 child is 7 ~~5~~ years of age or younger, provide for protection of  
27 the child by properly using a crash-tested, federally approved  
28 child restraint device that is appropriate for the height and  
29 weight of the child. Such devices may include a vehicle  
30 manufacturer's integrated child seat, a separate child safety  
31 seat, or a child booster seat that displays the child's weight  
32 and height specifications for the seat on the attached  
33 manufacturer's label as required by Federal Motor Vehicle Safety  
34 Standards FMVSS213. The device must comply with standards of the  
35 United States Department of Transportation and be secured in the  
36 vehicle in accordance with instructions of the manufacturer. For  
37 children aged through 3 years, such restraint device must be a  
38 separate carrier or a vehicle manufacturer's integrated child  
39 seat. For children aged 4 through 7 ~~5~~ years, a separate carrier,  
40 an integrated child seat, or a child booster seat ~~belt~~ may be  
41 used. The court shall dismiss the charge against a motor vehicle  
42 operator for a first violation of this paragraph upon proof of  
43 purchase of a federally approved child restraint device.

44 (2) As used in this section, the term "motor vehicle" means  
45 a motor vehicle as defined in s. 316.003 that is operated on the



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46 roadways, streets, and highways of the state. The term does not  
47 include:

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

53 (d) A truck having a gross vehicle weight rating of more  
54 than 26,000 ~~of net weight of more than 5,000~~ pounds.

55 Section 25. Effective July 1, 2009, a driver of a motor  
56 vehicle who does not violate the then-existing provisions of s.  
57 316.613(1)(a), Florida Statutes, but whose conduct would violate  
58 that provision, as amended January 1, 2010, may be issued a  
59 verbal warning and given educational literature by a law  
60 enforcement officer.

61 Section 26. Section 24 of this act does not apply to a  
62 person who is transporting a child aged 4 through 7 if the person  
63 is:

- 64 (1) Visiting in this state;
- 65 (2) Transporting the child gratuitously and in good faith  
66 in response to a declared emergency situation or an immediate  
67 emergency involving the child; or
- 68 (3) Acting generally as a Good Samaritan.

71 ===== T I T L E A M E N D M E N T =====

72 And the title is amended as follows:

73 Delete lines 120 through 123  
74 and insert:

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75 | for commercial vehicles; amending s. 316.003, F.S.;

76 | defining "for compensation" for specified purposes;

77 | amending s. 316.613, F.S.; providing child-restraint

78 | requirements for children ages 4 through 7; redefining the

79 | term "motor vehicle" so as to exclude certain vehicles

80 | from such child restraint requirements; providing a grace

81 | period; providing exceptions to such requirements;

82 | amending s. 316.614, F.S.; revising the definition of

83 | "motor vehicle" for purposes of safety belt usage

84 | requirements; amending s. 316.656, F.S.; lowering the