

**By** the Committees on Appropriations; and Transportation; and  
Senators Flores and Altman

576-04696-14

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2 A bill to be entitled  
3 An act relating to child safety devices in motor  
4 vehicles; amending s. 316.613, F.S.; revising child  
5 restraint requirements for children who are of certain  
6 age to include a child booster seat; providing  
7 exceptions; subjecting a violation to penalties;  
8 providing an effective date.  
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10 Be It Enacted by the Legislature of the State of Florida:  
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12 Section 1. Paragraph (a) of subsection (1) and subsection  
13 (5) of section 316.613, Florida Statutes, are amended to read:

14 316.613 Child restraint requirements.—

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

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

24 2. For children aged 4 through 5 years, a separate carrier,  
25 an integrated child seat, or a child booster seat ~~belt~~ may be  
26 used. However, the requirement to use a child restraint device  
27 under this subparagraph does not apply when a safety belt is  
28 used as required in s. 316.614(4) (a) and the child:

29 a. Is being transported gratuitously by an operator who is

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30 not a member of the child's immediate family;

31 b. Is being transported in a medical emergency situation  
32 involving the child; or

33 c. Has a medical condition that necessitates an exception  
34 as evidenced by appropriate documentation from a health care  
35 professional.

36 (5) Any person who violates this section commits a moving  
37 violation, punishable as provided in chapter 318 and shall have  
38 3 points assessed against his or her driver license as set forth  
39 in s. 322.27. In lieu of the penalty specified in s. 318.18 and  
40 the assessment of points, a person who violates this section may  
41 elect, with the court's approval, to participate in a child  
42 restraint safety program approved by the chief judge of the  
43 circuit in which the violation occurs, and, upon completing such  
44 program, the penalty specified in chapter 318 and associated  
45 costs may be waived at the court's discretion and the assessment  
46 of points shall be waived. The child restraint safety program  
47 must use a course approved by the Department of Highway Safety  
48 and Motor Vehicles, and the fee for the course must bear a  
49 reasonable relationship to the cost of providing the course.

50 Section 2. This act shall take effect January 1, 2015.